

URBAN AREA PLANNING COMMISSION

MEETING MINUTES

May 13, 2015 – 6:00 P.M.

Council Chambers

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Vice Chair Jim Coulter and Commissioners Lois MacMillan, Loree Arthur, Blair McIntire, David Kellenbeck, and Dan McVay were present. There was one vacant position. Also present and representing the City was Parks & Community Development (hereafter: PCD) Director Lora Glover, Senior Planner Tom Schauer, Associate Planner Justin Gindlesperger, and Public Works Director Terry Haugen.

2. ITEMS FROM THE PUBLIC: None

3. CONSENT AGENDA:

- a. **MINUTES:** April 22, 2015
- b. **FINDINGS OF FACT:** 15-40200001 – Allcare Development, LLC
Comprehensive Plan Map Amendment, Zoning Map Amendment, and
Development Agreement.

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenbeck seconded the motion to approve the consent agenda as presented. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter and Commissioners MacMillan, Arthur, Kellenbeck, McVay, and McIntire. “NAYS”: None. Abstain: None. Absent: None. The motion passed.

4. PUBLIC HEARINGS:

- b. **15-40500001 – Element 10 (Public Facilities) Comprehensive Plan Amendment**

Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 15-40500001 the Element 10 (Public Facilities) Comprehensive Plan Amendment. We will begin the hearing with a staff report followed by a public comment and then the matter will be discussed and acted upon by the Commission. Objections to the jurisdiction - is there anyone

present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? I will remind you this is legislative so you do not have ex parte issues and you do not have real conflict of interest. It is clearly legislative, we are not acting upon it, we are just making a recommendation. Seeing none in this hearing the decision of the Commission will be based on specific criteria. All testimony and evidence must be directed toward that criteria. The criteria which apply in this case are noted in the staff report. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. Actually that is different for this one anyway because it is going up to the City Council so there will be a chance for that to be appealed later on. The hearing will now proceed with a report from staff.

Senior Planner Schauer stated, thank you. The item before you is an amendment to Element 10 of the comprehensive plan which deals with public facilities. In 2014 in April and May the City Council adopted the new water treatment plant facility plan update by Resolution 14-6173 and the water restoration plant facility plan update by Resolution 14-6205. The second one is the wastewater plant. This is the water treatment plan and the water restoration plant facility plan. Those deal with just the treatment plants and not with the collection and distribution systems. There are links on here as well. The plans have been available on the City website for quite some time. As you noted the legislative hearing guidelines apply and the amendments based on the criteria in Section 13.54 of the comprehensive plan. Those are addressed in your staff report and this item begins on page 61 of your packet. The recommendation is for the Planning Commission to recommend approval of the amendment to City Council. Relationship to City Council goals - basically these plans were approved by resolution in 2014 so there are no 2015 goals related to the adoption of these plans. The next steps are underway but the goals from 2014 are noted in terms of the goal objectives and actions. The water treatment plant plan also had an advisory committee that provided recommendations on that work. The action before you is to incorporate those plans into the comprehensive plan in accordance with Oregon Administrative Rules. Under the Statewide Planning Goals in Administrative Rule Division 11 that deals with public facilities certain items need to be incorporated into the comprehensive plan as part of the City's public facilities plan. Some of those are incorporated as what are called supporting documents to the comprehensive plan and others need to be incorporated specifically as part of the comprehensive plan. What that primarily relates to is if

you are looking at amendments to those plans there are certain things that need to be in the comprehensive plan and amendments would be afforded a land use hearing procedure like this one while other technical types of amendments can be amended subject to the applicable permitting law under Federal law for those facilities without going through the land use reviews to amend those. The proposed addendum itself starts on page 65 of your packet. That document itself summarizes the applicable administrative rules. The two documents I held up earlier would be adopted as supporting documents to the comprehensive plan. Items that are listed on page 67 and Table 2-1 are those items that would be adopted as part of the comprehensive plan and subject to the land use review procedure. That pertains to the capital improvement project lists, the map or written description of the location or service areas, and the policies that govern who is the service provider in the event that you have multiple overlapping jurisdictions providing services. The proposal incorporates the elements noted in terms of the capital project lists and the service areas by reference out of these two facility plans. There are no changes in terms of who would be providing the services. In terms of cost implications those are listed on page 68. Those are the CIPs from the respective plans and the water treatment plant plan is identified as a capital project in the budget as is the water restoration plant phases 1 and 2, currently. These plans are based on the demand and needs to meet future land use needs and to look, in the case of water planning, look much further into the future and then back off those needs. These cover our planning periods to make sure we have adequate facilities to cover future demand from our updated land use plans. Your options are to recommend approval as presented, recommend approval with modifications, or recommend denial. Staff is recommending that you recommend approval as presented and there is no 120-day requirement for the decision since this is legislative. It is incorporating those plans as required by State statute into the land use documents and the comprehensive plan. If you need any clarifications or have any questions before you open public testimony I would be happy to answer those. Otherwise, that concludes my presentation and I would be happy to answer further questions when you get to the deliberations as well, thank you.

Chair Fitzgerald asked, are there any questions for Tom?

Commissioner Arthur asked, is stormwater handled as a completely separate category?

Senior Planner Schauer stated, typically we have the treatment plants and then we have the collection and distribution systems. We are going through a number of plan updates. These

two we were able to look at before we had completed some of the land use planning once we had the forecasts completed because this deals with the treatment plants themselves and the capacity of those regardless of what direction growth is occurring in. We have begun work on the collection and distribution plans that are location dependent and we will also be updating the stormwater plan and the transportation plan.

Commissioner Arthur asked, we still have the opportunity to put more controls in about the stormwater handling so it doesn't go straight to the river, right?

Senior Planner Schauer stated, that is correct.

Vice Chair Coulter stated, Tom I'm not sure if you or the Public Works director should answer this question. Is he presenting?

Senior Planner Schauer stated, no I'm presenting these. He's here to answer questions if I am not able to field those or if we need more information.

Vice Chair Coulter stated, it would seem to me the study was done and then you had the workshop that was done after the study was complete. The study shows five alternatives for the water treatment facility. The group then decided on two, alternatives 3 and 4. It looks to me like the study should have been done after we made a recommendation because it appears we are in a corner. We can't really recommend 1, 2, or 5 as a possibility going forward. Maybe I'm wrong and correct me if I am. The City already decided because on page ES4 Exhibit 2 it says "the Council directed the completion of this facility plan update with the recommendation to move forward in the planning process to construct a new water treatment plant at a site to be determined." To me that puts us in a quandary because it almost seems like we have to rubber stamp it. Am I right here? Can we consider alternatives 1, 2, or 5?

Senior Planner Schauer stated, again, this is a legislative matter. The Council did have a separate advisory committee/task force that was focused specifically on looking at those options. They have reviewed those, considered them, and adopted by resolution this plan. Ideally the processes would've gone simultaneously but through this you are making a land use decision that is within your authority to recommend as you see fit. The Council has already

approved through resolution, that is true, but you are not limited in what they have done in your recommendations.

Vice Chair Coulter stated, you can see the quandary we are in from the perspective that we are not quote-unquote experts or engineers or those types of people. On one hand if we said keep alternative 1, 2, and 5 within our recommendation to you to keep those in there it is like we're coming against the experts in the workshop you already had. I think what I'm saying is we may be constrained of what we can do tonight and I think to a certain degree we are. You said simultaneous - I think that simultaneous would be that the Council could have said we are not going to have that final stamp on two alternatives before we meet. Does that make sense?

Senior Planner Schauer stated, I understand the point.

Vice Chair Coulter asked, you can see a little frustration for us?

Senior Planner Schauer stated, I do. We want to make sure that we are incorporating applicable plans as required into the comprehensive plan. I think there was probably some question about what the required action was to adopt that and we are working to reconcile it. I understand the point you're making.

Vice Chair Coulter stated, and I hope you realize I'm not questioning the merits of the study or any of those things. I'm just saying we are kind of pigeonholed in going in one direction. Obviously, if we went the other direction and changed any of what has already been in the study we would be looked down upon for doing that and for valid reasons.

Senior Planner Schauer stated, the Planning Commission has the authority granted in the development code and comprehensive plan to make recommendations to City Council. Despite that I would encourage you to make whatever recommendation you feel is appropriate as a commissioner independently.

Vice Chair Coulter stated, with legislative I know we have more latitude to some degree than quasi-judicial. However, when I look at the criteria it's stretching it if we don't recommend what's here because it seems to be the applicable criteria as far as what is in front of us. Correct?

Senior Planner Schauer stated, your charge is to make a recommendation on what is before you to the City Council. Certainly it has to meet minimum requirements of providing adequate facilities to support future land use –

Vice Chair Coulter stated, State and City goals and comprehensive plan.

Senior Planner Schauer stated, right, other than that I guess, in terms of legislative decision making, there can be more than one alternative to meet those applicable criteria whereas if you're in a quasi-judicial setting you're only reviewing the proposal submitted by an applicant. I would note that it has been through an advisory committee –

Vice Chair Coulter stated, I recognize that.

Senior Planner Schauer stated, you're free as a commissioner to make whatever independent judgment you feel is appropriate.

Vice Chair Coulter stated, and I think that is great (inaudible) advisory committee. It is just a question of the timing, the timing with the recommendation before we met. I'm beating a dead horse so I won't go any further. It is something, in the future, we might have a workshop on some of these things and iron out maybe a little of these things so it goes smoother. Sound good?

Senior Planner Schauer stated, sounds perfectly appropriate.

Chair Fitzgerald asked, are there any other questions for Tom? Are there any questions for Mr. Haugen? If there were any questions of a particular nature or more in depth in any of the exhibits you have in your packet Mr. Haugen has graciously joined us tonight. We could ask him if you have any questions.

Vice Chair Coulter stated, it is probably already a study somewhere but I'm just curious about it. The infrastructure, as far as piping and main water lines and all those things, has that been something that has already been studied and looked at? That should go hand-in-hand.

Senior Planner Schauer stated, those are in process. That again, was dependant on adoption of the urban growth boundary and urban reserve to be able to complete that work where as these facility plans could proceed in advance.

Vice Chair Coulter stated, that's all I needed to know.

Chair Fitzgerald stated, what you're talking about is that all of our infrastructure in the water is ductile iron. Will that be seismic also? Will we be checking it for when does ductile iron come apart with a seismic event?

Senior Planner Schauer stated, I can't speak to that issue. What I can tell you is the modeling is looking at the sizing to make sure if it is adequate capacity. In terms of the technical specifications and material I couldn't tell you the specifics on that. Maybe Terry could.

Chair Fitzgerald asked, Mr. Haugen wasn't it that the plant was to withstand a certain seismic event?

Public Works Director Haugen stated, Terry Haugen, Public Works director for the City. I will try to answer your questions. First of all, you were asking about the seismic capability of the pipe system. We have pipe in the ground that dates back to probably the 1920s or earlier. They did not do seismic design at that point in time. If we had a significant event it is very doubtful it would sustain. We have our doubts. Primarily the work being done on the master plan study right now for both water and wastewater is to look at the capacities within the system to carry either the water or the sewage through the system. In the case of water to distribute it to the customers or in the case of wastewater to take it back to the plant for treatment. We look at the sizing of that system and we look at what extensions need to be made to go out and reach the new areas that we are incorporating in the urban growth boundary expansion. We will also be looking at the urban reserve. Hopefully that answers that question. As far as the second part, the water treatment plant facility dates back to the 1930s. We had two primary expansions one I believe in the 50s and the other in the 80s and neither of those were designed for seismic conditions. We have concerns with both of those. Most of the concerns for the water treatment plant do not have to do with the sizing. We feel we have capacity at the plant for probably the next 15 to 20 years, however, our concerns there are whether or not that facility will stand up during an earthquake event. That is what the push is. We already have deterioration which is

occurring at that facility. We have concerns the clear well underneath has deterioration and that it may fail. I don't want to say at any time but in the relative near future. We do need to proceed with plans to try to replace that facility before we do have failure.

Chair Fitzgerald asked, so the new plant that was proposed or was studied had no particular threshold of seismic event to be built into it?

Public Works Director Haugen stated, the new plant will, yes. That will be designed to current seismic standards.

Chair Fitzgerald asked, and it will withstand what? A 9, 7, 6, or what?

Public Works Director Haugen stated, that I couldn't tell you. I'm not a structural design –

Chair Fitzgerald asked, so there is no criteria being built in for the specifications of the new plant?

Public Works Director Haugen stated, not within the planning documents. That will be done during the specifications and design of the facility which hasn't started yet. This is just a planning document to determine size needs and potential type of plant that may be developed and built in the future.

Commissioner McIntire asked, on the seismic details is this a State mandate or Federal?

Public Works Director stated, I think it probably comes back to the building code which is established by the State. I don't think the Federal Government has any jurisdiction when it comes to what we're designing for earthquake capabilities. Now if we were going after Federal funds that would be a different matter. Then they would have much more say in it. At this point we do not anticipate going after Federal funds for either of these projects.

Vice Chair Coulter stated, (inaudible) Tom said the study on piping and if the pump stations are incased right and all that is ongoing. I think that is what you said. When is that planned to be finished? Obviously it would be nice to dovetail the upgrading of the water treatment plant even if it is the second or third phase. I know you get into tax dollars but –

Senior Planner Schauer stated, those are all in process but we're in the modeling stage right now. We're inputting the land use data to be able to run the model now that we have those adopted and the appeals are over that just occurred –

Vice Chair Coulter asked, so when do you think you'll bring in a firm to study that and come up to this point to –

Senior Planner Schauer stated, they are studying it. They are modeling it right now but we don't have the recommendations for the plan yet.

Vice Chair Coulter asked, will it be 5 years or 2 years?

Public Works Director Haugen stated, I can address that. The water distribution master plan is being performed by the City's master services consultant, Larry Smith and Assoc., and that work is ongoing. In fact, we've had a crew running around town today doing hydro-flow testing so we can complete the modeling effort. We anticipate the work will be complete this calendar year. On the sewer collection system our master services consultant, Carollo & Assoc., is also working on that. They are finishing up the modeling work on the collection system right now. They will probably be slightly ahead of the distribution plan because a lot of that modeling work was actually started about a year ago. I would expect probably within the next 6-8 months you will see completion of that collection system master plan. To go on further there was a question earlier about stormwater and we have been working on a stormwater master plan for a couple years now. This is to complete work that was initiated back in 2006, was not finished in 2007, and then was tabled for some time. Keller & Assoc. is doing that work for us and we are anticipating we will have that stormwater master plan available for review and comment probably early this summer.

Vice Chair Coulter stated, that is great news. Hopefully the money will follow up on both of those close together. Thank you.

Commissioner Arthur stated, on the stormwater the reason I was asking was I think we had some assumptions built in when we did the urban growth boundary planning that we would also

be changing the codes to require more on-site detention of the stormwater. This would eventually affect some of your sizing at the sewer plant, right?

Public Works Director Haugen stated, actually stormwater doesn't go through a treatment process. Stormwater is a completely separate issue.

Commission Arthur asked, so it only goes if it accidentally seeps into the system?

Public Works Director Haugen stated, well hopefully we don't have that type of intrusion into our collection system. Stormwater is handled in a separate system. We are trying to go to more of a biological treatment where we are encouraging the stormwater to soak into the ground and be treated by the soil and vegetation before it actually gets to the river but –

Commissioner Arthur stated, so it is clean enough not to have to be treated?

Public Work Director Haugen stated, correct and of course when you have large storm events you have much more than what can be handled and so it will go through the pipes and make it to the creeks and rivers. At this point in time there is no mandate from either the State or Federal Government that we need to treat stormwater.

Senior Planner Schauer stated, and our system is different from some cities that historically had combined storm and sewer systems where all that run-off is going through their sewer treatment plant. We don't have that.

Chair Fitzgerald stated, Terry I noticed in Table 2-2 you state the total anticipated expenditures on 2013 dollars. Is the data that supports the accuracy of these numbers also 2013 data?

Public Works Director Haugen stated, that is correct.

Chair Fitzgerald asked, so therefore they would not reflect such as (inaudible) the costs variations?

Public Director Haugen stated, correct. These studies were based upon the data available at that time. We couldn't project out into the future. Our crystal ball doesn't work any better than

anyone else's. We set a period of time which was the current time when that work was done and we completed those planning estimates. Primarily they are there for comparison to look at the different alternatives especially on the water side. To go and say that when we finally build this in probably 5-6 years, if things go properly, if we get close to that estimate of \$56 million I think it will be lucky. We will see changes in technology. We don't know where construction will be. We don't know if we will be at the height of an expansion period where contractors are very busy and expensive or if we'll be in a recession and things will be cheaper. It is hard to tell. We made the estimates based on data available at that time. It is for planning and estimating purpose (inaudible) alternatives.

Chair Fitzgerald asked, are there any further questions for Terry? Thank you very much Terry. We appreciate you coming out to help in case we had any questions. Will you be around for a little while in case there are any questions from the audience?

Public Works Director Haugen stated, sure I will be here until the end of this issue.

Chair Fitzgerald stated, I appreciate it, thanks. Are there any more questions for Tom? We will now take testimony from the public. Pros or cons it makes no difference to us. Please give us your name and address for the record. Anyone have any questions you want to ask? Is there anything you'd like to clear up further Tom or Terry?

Senior Planner Schauer stated, not at this time but if you have any questions during your deliberation I will be happy to answer those.

Chair Fitzgerald stated, I will now close the public portion and turn it over to the Commissioners for deliberations and questions.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner MacMillan seconded the motion to recommend approval of the application to City Council. The vote resulted as follows:

"AYES": Chair Fitzgerald, Vice Chair Coulter and Commissioners MacMillan, Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: None. Absent: None.

The motion passed.

**a. 15-20100017 & 15-40200003 – McKenna Rogue River Hwy Development
Major Site Plan Review**

Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 15-20100017 & 15-40200003 the McKenna Rogue River Hwy Development Major Site Plan Review. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the staff report please let us know and we will get you one. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.

Associate Planner Gindlesperger stated, this is a three-part request. It is a comprehensive plan map amendment, a zone map amendment, and also a major site plan review. The comprehensive plan map amendment is from general commercial to business park. The zoning map amendment is from general commercial to business park. The major site plan review is for a mini warehouse storage facility. It is about 229 units and it also includes an additional structure that will be used for an office and caretaker's quarters. This is the map that shows the existing zoning. Again, it is general commercial, and the property is located along Rogue River Hwy just east of the intersection with the Grants Pass Parkway. The Parkway does border the property to the north. There is single family residence on one of the eastern parcels and the other parcel is vacant. The parcels also adjoin an R2 zone to the east. This is a map of the proposed zone. Again, it will be going from general commercial to business park. The purpose of the business park zone is to provide a mixed use zone for light industrial and commercial uses. Retail trade is permitted but only as an accessory use and when it is compatible with

industrial uses. The development standards are designed to ensure compatibility with adjacent commercial and residential uses. The parcels are also located within the Harbeck/Fruitdale commercial sub area. This is classified as a strip development along Rogue River Hwy. Commercial development in this area is limited due to encroachment of residential lands and also changes in travel patterns that came about with I-5. The trip rates for business park uses are generally much lower than commercial uses. Based on the proposed use on peak hour trips only about 10 total trips will be generated in the peak p.m. hour. The current general commercial zoning does permit uses with drive-thrus so a restaurant with a drive-thru would have about 496 trips per 1000 square feet where as the mini warehouse would only generate about 0.14 trips per 1000. Based on the worst case scenario of the zone change no traffic impact analysis was required. Access is along Rogue River Hwy. ODOT put in a left turn lane that provides full access in so a right in and left in but then exiting traffic will only have a right out off the site. This application also included a major site plan review for the proposed use which is the mini warehouse unit. It is about 36,000 square feet with 229 units and includes the office and caretaker's quarters. That building is about 3300 square feet. The applicants elected to go with the zone buffer option which allows a five foot building setback. They had to provide additional landscape buffer between the adjacent parcels to the east, the residential parcels. It also included a maintenance easement for the property owners to get in there and maintain that additional landscaping. They are also electing to go through discretionary architectural review. Building facades that face property lines and street frontages have to have windows and glass doors. Due to the nature of the facility and security reasons they can't do that. One thing they are proposing to do is provide a stone veneer every 50 feet along those big facades to try and break up that long, continuous wall. They will provide a landscape buffer with the adjacent residential properties. There is some existing landscaping mostly along the Parkway but they are also proposing additional landscaping along the other frontages. This is a copy of the proposed site plan at this point. Again, the Parkway is there to the north. There is access off Rogue River Hwy. These are the building elevations that were submitted with the applicant's proposal. The third rendering down you can see the stone veneers they are using to try to break up that long, continuous wall. Your call to action is to recommend approval as proposed or recommend approval as amended by the Planning Commission. Staff is recommending approval as presented. There is no 120-day ruling on this one either. I'm available for questions.

Commissioner MacMillan asked, (off mic) why is that not applicable? I'm just curious.

Associate Planner Gindlesperger stated, because the site plan can not go through until the zone change goes through.

Commissioner MacMillan stated, I like it from the front end but I don't quite understand the left. They're coming out and they can only go right? They can't make a left? Coming this way how do they get into the property?

Commissioner Arthur stated, they added a crossover.

Associate Planner Gindlesperger stated, this is an old aerial. The applicant's engineer said he had some pictures he'll show you.

Chair Fitzgerald asked, are there any other questions for Justin? Has ODOT weighed in on this in retrospect to the redesign to the South Y? Justin are you going to take that up? I just wanted it to be in the record tonight. The applicant may now present.

Mr. Gerlitz stated, my name is Justin Gerlitz with ZCS Engineering acting on behalf of the applicant Marty McKenna as the property owner. I appreciate you hearing us tonight. I'll try to be brief and not double up on what Justin said but I have some nice photos and images. I like pictures so hopefully it helps. As Justin mentioned we have a major site plan review and a rezone. The property is currently surrounded by multiple uses. We have Charter Communications at the finger here of the two highways, we have residential to the east, and then some vacant general commercial here to the southeast with some additional commercial beyond. Basically what we're looking at is we have this existing residential house. I've been working with Marty for several years on this property. We've had a lot of people look at it for the commercial zoning and it has a lot of constraints such as grading, access, etc. We've had people look at it, been interested in it, but by the time they get into it they always pass. What we've tried to do is come up with a use that fits this site and blends into the surrounding neighborhood. That is why we're here tonight to go through this process. Something that wasn't mentioned is we are actually looking at this as a two-phase development. On the site plan there is a dashed line that runs along here so this left portion of the mini storage would be the second phase and then we'd build the right portion along with the office and caretaker's quarters for the first phase. We'd be looking at that over the next several years depending on

how the economy goes and how business goes. This is a zoomed in look at the north portion of the site plan. This is the Redwood Hwy side. We are meeting a standard 10 foot set back. As Justin mentioned on the east side we are going for the D4 zone buffer which is a 5 foot set back with basically letting the neighbors use the remaining 5 feet behind the wall of the building for their own property. What that does is in lieu of us putting the building back 20 feet and having a drive aisle on that side which is allowed in the code we are moving the buildings to the outer portions of the property and kind of containing the facility. That is the goal of using that buffer. Mr. McKenna did talk with the neighbors and did submit documentation they are in agreement with us in going down that road. I think that will probably be the best fit here. We do have a storm drain main that runs across the site here that will be rerouted through the facility in conjunction with Public Works. The drive aisles in the middle are big enough for fire truck access and we've talked to the fire inspector about that. On the south side we've got a lot of grade change from Rogue River Hwy down to the bottom. There is actually about 18 feet of grade change. You don't see it out there because it is long and gradual but it is pretty substantial. The other thing that was challenging on this site was the Rogue River Hwy right-of-way is substantially back from the sidewalk. By the time you take that into account and take your set backs into account you're down the hill and into the site which was one of the challenges with trying to do a commercial-type use out there. We will have gated access to the facility beyond the parking area here and beyond the office area here with keypad access but it will be open to get down into this area where the hydrant is located. Here are some photos of Redwood Hwy. I know a lot of you probably drive this every day but this shows there is a lot of existing vegetation out there we are planning on keeping, it is all in the right-of-way. This is the middle of the property looking into the distance. This is a really good photo to zoom in on and look close at the top of the arrow here is Rogue River Hwy. You can see it is above the house up on that hill and that gives you an idea of the grade difference between here and Redwood Hwy. This is looking from the left portion of the property. One thing to note is there are those large walls that run along this stretch of the highway for the residential buffering. It is a sound buffering. This is a transition off those walls. We'll have the walls of our facility and then it will open back up to Charter Communications and the intersection beyond. Rogue River Hwy – this is a picture of the existing driveway approach. This shows that grade drop down into the bottom of the facility. This is the existing residential house down in the bottom and then this grass to the right is those vacant commercial lots.

Commissioner MacMillan asked, did you say you're not going to continue the wall? The wall is going to –

Mr. Gerlitz stated, no what we'll do is –

Commissioner MacMillan asked, you said you're not going to continue it?

Mr. Gerlitz stated, no, we are not going to continue the sound wall but we will have the wall of the back our building that will be 10 feet inside the property line there. It will be kind of a step down from the big wall to no wall. This is the driveway down into the site. We did work with ODOT a couple years ago. We had two driveway approaches on the property and we consolidated them through their indenture process. We got our approach permit and built the driveway making sure it was in the right spot. Looking here this is that new left turn lane that we constructed last year. We have gone through ODOT's formal process and when we did that they were taking this into account for their South Y plan for as far as they had gotten on that. Architecturally, it's a mini storage at the bottom and like I said we're trying to contain the mini storage, the security piece, at the bottom. Then, up on top of we have this daylight basement-style built into the hillside office and caretaker's quarters. This picture here shows that pretty well. We're looking to do a nice looking building out there with the metal, sloping roof. We are trying to carry that type of look into the mini storage facility. On both highway frontages, as Justin mentioned, we're trying to do some colored banding breaking up the façades, the big one on Redwood Highway and then also along the frontage on Rogue River Highway to try and keep with the intent of the architectural standards. This is a view of the office and the outer building. This piece in the background is the grade difference and this is the driveway coming down the hill. On the zone change portion - I've been involved in mini storage projects and we always get into this whole mini storages aren't allowed in commercial zones and this is always the next step is to change it back into industrial. Usually it goes the other way where everybody wants to go from industrial to commercial because the land value is so much higher. In this case like I said based on all the factors that are out there and the constraints we feel this would be a good zone. This map which is south of the river and a little of the north side shows how some of these BP zones are clustered in between commercial zones and residential zones. They've always kind of acted as a transitional element between those busy areas and the peripheral residential zones. I think we are kind of meeting the same thing here where if we do a pocket business park zone it meets the intent of what has been done on the south side of the

river in the past. This shows highlighting the property and those residential zones and those commercial zones. Beyond that I think this is a good transitional element. Like Justin mentioned mini storages are very low impact when it comes to transportation and utilities and everything else in the area. Since they have the access figured out and it fits the site and acts as a good buffer to the neighbors to the east which is the critical properties I think it would be a good fit for this location and takes this undeveloped property and puts it to good use. With that I'd be happy to answer any questions you might have.

Chair Fitzgerald asked are there any questions for Justin?

Commissioner Arthur stated, you kind of ran by that landscape maintenance agreement quickly. Does that mean that these owners will maintain the five feet on the other side of the wall or the residences will? I realize they would put them in and install the planting.

Mr. Gerlitz stated, a lot of the backyards here are pretty expansive right now. What it basically allows us to do is work with the owners and instead of having the buildings set back and a driveway over there we're pushing the buildings up tighter. In this case we are going to give them a solid masonry wall. It will be eight or nine feet tall along that edge. Because there are five feet remaining behind the wall and it's not really easy for the owner to get to for maintenance the intent of the zone buffer is to say we are going to build our wall here and yes there's five feet property here that's ours but we'd rather give you the option to have it as part of your yard. They can plant it with whatever needs to be planted to blend into their yards. I don't believe that's an absolute requirement with the easement option it is just the intent of it. We will work with those owners to give them what they want. If they want to use that yard we will let them use it. The building will act as the fence at that point and that is the intent of that buffer.

Commissioner Arthur asked, is it written into your agreement to make sure that somebody takes care of it?

Mr. Gerlitz stated, right now we have buy-off from the owners that they would agree to having that setback there which is a requirement of the code. We will give them a maintenance agreement as part of the construction process. We will have a maintenance agreement with each property owner specifying what is required for maintenance.

Commissioner Arthur stated, I'm curious about the six parking spots. The thing is so small I can't really see where they are either on the paper or the screen.

Mr. Gerlitz stated, there are actually seven and then we have two optional ones we might put in up there.

Commissioner Arthur stated, my question is, and I don't know if they are doing it legally down the highway at the other place, but the storage facility down Rogue River Highway where they allow people to sell out of their units, they have yard sale-garage sale operations going on all the time. If that were to happen at this one at some point there obviously isn't enough parking there.

Mr. Gerlitz stated, that is Lee's Mini Storage, I believe, and I was actually involved in that project years ago. They have that out front of their actual secured facility in the back. We wouldn't have any intention of doing that here because this would all be the secured facility behind. They just had a piece of open land at the front of their property that I think they put to use that way, if I remember correctly.

Commissioner Arthur stated, I thought a person could sell directly out of their unit over there.

Mr. Gerlitz stated, I think they're separate. There's a back secured facility like we are proposing here and then the whole front, it's a very big lot –

Chair Fitzgerald stated, she's talking about the mercantile they did with the metal building and the place in front.

Mr. Gerlitz stated, yes and so the intention wouldn't be to do that here. This would just be the secured storage facility.

Commissioner Arthur asked, what if somebody changed the intention 5-10 years from now? That is what I'm concerned about.

PCD Director Glover stated, I'll jump in really quick. We went through a little bit of review process on Lee's Mercantile because it was a change of use. That would go back through the

planning process for a change of use for the outdoor retail sales. We worked with him to get his use in compliance. Justin is correct on that. That was a different type of setup the way his lot was laid out. Unless he's changed to go into the storage units what was approved were some little temporary modular type units that he brought in for the sales and he went through us and the building department for that part of it. If somebody came in and wanted to do outdoor retail sales here that would be a change of use which would go through at least a minor site plan and then parking would be a requirement at that point. I'm assuming from the layout of this property and the way it's designed they would not be able to meet the parking needs unless they rented or built a parking lot adjacent to them.

Commissioner Arthur asked, what is the divider then? Is that another wall between the cable property?

Mr. Gerlitz stated, it would be along the parking area and then between the buildings there would be a gated area – You mean next to Charter? I'm sorry. The building would be put within five feet of the property line and then we would maintain their existing chain-link fence they have around there. It would be the same building edge on that side. It would be solid. Basically there is an existing six foot chain link fence with barbed wire on it on the Charter facility. We would step in from the property line 5 feet which is allowed in the BP commercial zoning out right as long as you have a masonry wall or fire rated wall. It would basically be consistent on the east side and the west side and then on the north side we would have –

Commissioner Arthur asked, will that be gated? Everything is enclosed I assume?

Mr. Gerlitz stated, yes everything will be gated so –

Commissioner Arthur stated, so it doesn't become a vagrancy hideout like it did up by the Parkway Church.

Mr. Gerlitz stated, right now there is a solid fence all the way along Redwood Highway along the property line. Then, we would step back 10 feet and have landscaping in there so there wouldn't be any entry points on Redwood Highway or from the side over here. We would gate all of this off on Rogue River Highway so it would be a closed secured facility outside of the parking area and the office.

Chair Fitzgerald asked, any other questions? Would anyone else like to speak in favor of this application? Name and address for the record these.

Mr. McKenna stated, Marty McKenna of 132 Black Oak Drive. I bought this property 20 some odd years ago. I always thought it would be a great mini storage but it was never zoned for that. As Justin said we tried to develop. Even as recently as a few years ago one of the local restaurants wanted to build up there and I was going to lease it to him but it just didn't work out. It was not accessible enough. It has great exposure but no accessibility. The perfect plan is mini storage for the property. If you look at it it's almost ideal. It doesn't impact the neighbors and it brings in revenue of tax dollars for the value of the property to the community and it provides a service. It is my intention to do a very nice quality looking storage facility so when you bring your stuff you want to keep it there. We have a caretaker facility where there would be a full-time 24 hour a day caretaker there so vagrants will not be allowed in. We will keep it really secure. Generally we would want to do something that we can be proud of and this is something I'm going to own and keep for the rest my life. I'm looking forward to doing it. I appreciate you hearing us and taking the time to review this project. We look forward to it.

Chair Fitzgerald asked, are there any questions for Mr. McKenna?

Commissioner Arthur stated, I'm just curious, it's not really in our purview and you (inaudible) request a discretionary review on this, but I'm curious about the blue roof. Community-wide we've encouraging the kind of look Gates and the others have, the lodge look, with earth tone colors and that kind of thing which would go more towards browns and greens not blues.

Mr. McKenna stated, the blue was what we originally came up with because it goes with the gray block. It's a nice look. If we're going to blend in green would be my second choice. I'd be willing to look at that.

Chair Fitzgerald asked, are there any more questions? Thank you Marty. Would anyone else like to speak in favor or in opposition to this application? Justin are you going to address the issue of the architectural any more than what's been said? Should we be looking at these pictures as being the renderings by which we should make the decision? We are going have to get to that.

PCD Director Glover stated, I do want to make a clarification or request a clarification. The applicant's representative referred to the phasing of this project. I want to make sure we build in some time for phasing if you're asking for more than the traditional 18-month land use approval. We've allowed phasing up to 3 to 5 years on different projects so we need to clarify that and make sure that we get that into the findings, the recommendation. That would be under the site plan review portion and we can add that in.

Mr. Gerlitz stated, thank you for bringing that up Lora. Just to have flexibility if we could say five years since that is the common end duration and build that into there that is what we'd like to do. If the business is successful and it can go faster than that then we will surely do it before that. If we can build in a 5 year expiration on the second phase that would be great. Then, Gerard, to answer your question on the architectural standards, yes because of the mini storage use and the fact we can't do windows it is discretionary review on that portion of it. I think breaking up the façade with the colored brick and then having the office itself I think we'll meet the architectural standards straight up. We are looking for a recommendation at this point to City Council because of the zone change but I would be happy to answer any other questions on that aspect as well.

Chair Fitzgerald stated, thank you Justin.

Associate Planner Gindlesperger stated, just a note on the colors – in Article 20, Section 24.90 has the colors that are permitted and as long as they are not un-muted primary colors they are fine. We felt that they were okay with that. The other note I had was the D4 interior buffer, the zone buffer option they're using, written agreement is actually a requirement for the maintenance and the landscaping.

Chair Fitzgerald stated, I will close the public portion of the hearing on this particular application and we will turn it over to the Commissioners for your deliberations.

Commissioner MacMillan stated, I'll start. I really like this plan. I liked it when I first read it and I think it's great. You're always learning something. I didn't know the difference between muted primary colors and un-muted primary colors. It is really exciting, it is right here. I'm totally in favor of this plan. I need a little wisdom though from you Gerard. If we make a motion can we

make both the comprehensive plan map amendment and zoning amendment GC to BP and the major site plan review at the same time? With the 5 years?

Chair Fitzgerald stated, we need them in sequential order because obviously if we don't have the zone change they don't have site plan approval anyway. If you would make them sequential.

Commissioner MacMillan asked, can we do them at the same time?

Commissioner Arthur stated, no.

Chair Fitzgerald stated, first we have to have the comprehensive plan zone change and then we can go back and do the site plan.

Commissioner Kellenbeck asked, is staff satisfied with the phasing or do we have to include that in our motion?

Chair Fitzgerald stated, if you could include that Lois and you might want to mention the roof color is ok.

Commissioner MacMillan stated, a muted primary color. I'll make a motion.

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenbeck seconded the motion to recommend City Council approve the proposed comprehensive plan map amendment and zoning map amendment from general commercial to business park. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter and Commissioners MacMillan, Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: None. Absent: None. The motion passed.

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenbeck seconded the motion to recommend City Council approve the major site plan review with the condition of adding the 5 years for phasing. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter and Commissioners MacMillan, Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: None. Absent: None. The motion passed.

c. 15-40200002 – City of Grants Pass 2015 Map Amendments

Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 15-40200002 the City of Grants Pass 2015 Map Amendments. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.

Senior Planner Schauer stated, this is some map corrections to the comprehensive plan map and also in December of last year as part of the urban growth management work we also adopted what is called a zoning transition overlay map and so this will make amendments to that map as well. This map is part of that work. The comprehensive plan map was changed for quite a few properties. I think it was somewhere between 300-400 and some were a number of acres. As part of that we had a few properties that had split zoning and we had a couple small areas we intended to change or we changed and shouldn't have. These are minor to be corrected. We have a couple up on the northwest side of town that are split zoned properties noted here where we ended up with a little island where the plan designation was not changed and should've been changed. Properties with split zoning some were changed for only a portion of the property or the whole property in error. Out on Rogue River Hwy –

Commissioner Arthur asked, could you identify them a little more? They are too small to see.

Senior Planner Schauer stated, yes. Right near G Street and Upper River Road right across from Lincoln Road there is some property there. The frontage along the road is commercial and the rear part of the property the comprehensive plan map was changed from low to moderate density and we left a fragment in here that was low density so it left an island. On this piece, the little line with the end pieces, those are intended to show properties that are part of the same parcel. That one was commercial here and when we changed the rest of this irregularly shaped large parcel we changed it for the whole parcel. We should've left that commercial piece in tact as it was and so we are proposing to put that one back to the way it was. On this lot we need to change that sliver so the whole parcel is zoned commercial. Out on Rogue River Hwy, this is Carnahan here, there was a change for a large area here and we inadvertently left out one area leaving it with the only lot in there moderate density between the existing areas. This parcel was split zoned and we left a portion of that low density. We want to correct that and basically bring that whole parcel into commercial zoning.

This is subject to quasi-judicial hearing guidelines. To explain that, usually when we're processing an application that is permitted under the code that will be quasi-judicial. If we're changing the text of the code or the comprehensive plan that is always going to be legislative. When we're looking at map amendments it depends. If we're doing a very large area amendment those are typically legislative, but if we're looking at a small area or a small number of properties those would fall under quasi-judicial so we would error on the side of quasi-judicial review. The criteria for the comprehensive plan map amendment is found in 13.54 of the comprehensive plan. The criteria for the zoning map amendment, and this is what is called a zoning transition overlay that was newly created, is Section 4.033 of the development code. Again, the zoning transition overlay is something we created that would allow us to do this interim step of changing the comprehensive plan, putting in the zoning that would still keep the underlying zoning in place, but give the applicants or property owners the option of using the more intensive zoning until we get our transportation plan updated. Otherwise we are looking at a traffic impact analysis for all of these changes that would predate what we are going to do with our transportation plan. Once that plan is adopted this overlay zone becomes the regular zoning of the property. Most of that was completed in December. This is just trying to correct a few of those gaps we ended up with. We are recommending approval of these amendments to Council. As I mentioned, these are corrections so we don't end up with those spot-zoned

properties. No specific cost implications associated with these amendments are identified. There are a range of alternatives but we recommend you recommend approval to City Council as presented. While we are processing this quasi-judicial because it affects the comprehensive plan map it is not subject to the 120-day requirement. We sent notices out. Before we submitted the formal application we sent letters to the affected properties explaining what was proposed and why. We had one property the letter was returned on. It was a commercial owner from out of state, I believe. We are required to send notification to the address on file with the assessor's office but that came back. Otherwise we provided notice to the owners of surrounding properties and in the newspaper. That is all I have for you unless you have questions for me.

Chair Fitzgerald asked, are there any questions?

Commissioner Arthur asked, did our other favorite split zone get unsplit? Are these the only ones?

Chair Fitzgerald asked, are you talking about Bayless?

Commissioner Arthur stated, yes.

Chair Fitzgerald stated, I believe he is going to be in the urban growth boundary inclusion portion of that new part.

Senior Planner Schauer stated, it is not changed yet. All those properties that came into the urban growth boundary we changed the comprehensive plan map designation to urban but they still all retain rural zoning on those portions that were rurally zoned. Until we complete these infrastructure plan updates that would be the soonest we could look at rezoning those. For that parcel the part that was in the UGB before is still urban and the part that was out is still zoned RR5. It was previously split by the UGB and now the entire parcel is in the UGB.

Commissioner Kellenbeck asked, so are we doing legislative or quasi-judicial?

Senior Planner Schauer stated, quasi-judicial. The decision will be the same but the procedures are under quasi-judicial so if someone requested a continuance you'd be required to grant it and those types of things. It is still a recommendation to City Council.

Chair Fitzgerald stated, it is peculiar to have it quasi-judicial and have a recommendation. It seems like a contradiction of terms.

Senior Planner Schauer stated, any time we're looking at a one property map amendment usually those will be processed quasi-judicial.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner MacMillan seconded the motion to recommend City Council approve the proposed amendments to the comprehensive plan map and the zoning transition overlay district map. The vote resulted as follows:

"AYES": Chair Fitzgerald, Vice Chair Coulter and Commissioners MacMillan, Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: None. Absent: None.

The motion passed.

5. CITIZEN INVOLVEMENT COMMITTEE: None

a. Items from the Public

Commissioner Arthur stated, when we went to the training they brought up about all the wonderful citizen involvement committees we have and the yearly report you're supposed to give to the board.

Chair Fitzgerald stated, there has never been anyone here.

Commissioner Arthur asked, do we have to meet that requirement somehow?

Chair Fitzgerald stated, we don't have anybody so we can just tell them zero.

Senior Planner Schauer stated, I think one of the things that happens whether it's formal or informal is there is language in some of the State law that says your public involvement program should be appropriate to the type of work you are undertaking. For the types of applications you

typically hear this type of a review public hearing process tends to be the normal scale. For bigger undertakings the City has done bigger outreaches and more workshops and –

Committee Arthur stated, Tom we are talking about something else we are talking about the CACs not –

Senior Planner Schauer stated, right and part of the citizen involvement committee is to look at the City's program for public involvement and make recommendations about the types of appropriate levels of outreach that are needed for different planning projects. I think that has occurred. At any time if you look at something and recommend to City Council that we need more public involvement for these types of things the City has a pretty robust group of volunteer committees that are looking at a number of these issues whether they are planning commissions, parks, or those types of things. That is part of the citizen involvement program and the charge.

Chair Fitzgerald stated, I can remember when we did have that.

[Recorder's Note: Commissioner Arthur continued speaking off mic about this topic]

Commissioner Arthur stated, I've lost the initials now, the CCI, whatever that stands for they made the Planning Commission...

Chair Fitzgerald asked, the community involvement committee? The idea is we have never had anybody do anything. Maybe it's the wrong forum.

PCD Director Glover stated, you will get a chance to do some of this because we will be doing our first public hearing on our community development block grant. We will be inviting those interested parties into our next Planning Commission meeting so I feel that will be a good opportunity. Tomorrow at 2:00 p.m. in the Courtyard Conference Room we are having our second open house out to interested groups that want to help us build our consolidated plan. We have various taskforces, we have a lot of public outreach, and you certainly did quite an outstanding job as we went through the urban growth boundary expansion. Though we aren't having little sub neighborhood community meetings you do provide that avenue for that community involvement. It is reaching out in a different way.

Vice Chair Coulter stated, I recommend as we go forward they remove that from our purview. We shouldn't be that committee. First of all, because most of our decisions are quasi-judicial that makes us have a hard time having our outreach to the community since we can't talk to the community in those processes. I think we're the wrong committee. I know a lot of times in the state it gets put on the Planning Commission but I think we have it here – in the City. I think it's because in some places it's thrown on the Planning Commission to get rid of it somehow and it's not done that way here. To me it should be another committee.

Commissioner Arthur stated, it's a totally different process and a totally different function. It has nothing to do with the other things. It's supposed to be a geographically based like you had wards and zones –

Chair Fitzgerald stated, like the old CACs we had.

Commissioner Arthur stated, it's a completely different process than what we're talking about with other kinds of public hearings for things.

Vice Chair Coulter stated, I understand that I just think we aren't the appropriate committee. I see another committee or another commission or somebody else –

Commissioner Arthur stated, good luck.

Vice Chair Coulter stated, - that is more appropriate to have it than us.

Commissioner Arthur asked, why?

Vice Chair Coulter stated, because we're not doing it.

Chair Fitzgerald stated, we are doing it we just don't get any participation.

Vice Chair Coulter stated, we up here are not doing it.

Chair Fitzgerald stated, we have the forum and –

Commissioner Arthur stated, we provide the space for it.

Chair Fitzgerald stated, I can see where it has a fit because we are the public input for all things that go on to the City Council. We are the hearing body for that. I can see why it would be plugged into us. I don't think that we're doing anything wrong. I just think maybe the subject matter we have...there certainly was a lot of participation from the community on the urban growth boundary expansion. We had plenty of crowd for that.

Vice Chair Coulter stated, if I recall, in the planning training we went to, correct me if I'm wrong, I believe the requirement for the CAC, no matter who it is, is to make the yearly report to the City. That is a requirement and that is not being done. I think we need a little stirring it up a bit to see where we're at and maybe –

Commissioner Macmillan stated, [off mic] nobody comes to the meetings.

Vice Chair Coulter stated, that is one part of it. Part of it is outreach. It is us.

Commissioner Kellenbeck stated, we don't have any formed CACs in the City. In the County you have some. I think they are down to one now which is Williams. They do reports to the Planning Commission. If you don't have any formed there is no requirement to have one. If somebody comes to us and says we want to be a CAC, for instance Highland wants to form a CAC and promote something, they certainly can. But we don't have any. That's it. We're doing our job. Every time we meet we're asking for citizen involvement.

Chair Fitzgerald stated, twice.

6. ITEMS FROM STAFF:

PCD Director Glover stated, November and December can be difficult schedule-wise. The second and fourth Wednesdays fall on holidays in November. The second Wednesday is November 11th and that is Veteran's Day and the fourth Wednesday is Thanksgiving Eve and we traditionally don't have a Planning Commission meeting on Thanksgiving Eve. We wanted to talk to you about a possible date. If you would be interested in doing Tuesdays that week or

at least have a couple Tuesdays open in case we need them. If we don't get anything scheduled then we will not have the meeting but I need to have some openings.

Chair Fitzgerald asked, what would be your preference?

PCD Director Glover stated, Tuesday the 10th. Because of our scheduling we can't switch it to another week on a Wednesday but a Monday or a Tuesday. My preference would be a Tuesday. We could do the second and fourth Tuesdays for November. We'll get that schedule set up and then we'll send out a reminder.

Chair Fitzgerald asked, is there any input from the Commissioners? Do you have any objections to that.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner MacMillan seconded the motion to reschedule the November 2015 meetings to the second and fourth Tuesdays. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter and Commissioners MacMillan, Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: None. Absent: None. The motion passed.

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenbeck seconded the motion to re-elect Gerard Fitzgerald as chair and Jim Coulter as vice chair. The vote resulted as follows: "AYES": Commissioners MacMillan, Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: Chair Fitzgerald and Vice Chair Coulter. Absent: None. The motion passed.

7. ITEMS FROM COMMISSIONERS:

Vice Chair Coulter stated, on the Type 4 there is confusion on whether it is a quasi-judicial or legislative procedure. I think it would be easier for us if, when it is Type 4, you put it on the cover page, whether it is quasi-judicial or legislative. That way we're not out yakking about it when we shouldn't be. The other thing is once an application is complete and it is quasi-judicial, primarily the Type 3s, could you shoot out an email to us so we know the 120-day clock is ticking so we don't accidentally do ex parte contact?

PCD Director Glover stated, I though you were on the site review agenda. Are you not getting those notices? If not we will add that. We have the hearing dates on that so I will have you added to that.

Vice Chair Coulter stated, that would be great.

8. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 7:30 P.M.

Gerard Fitzgerald, Chair
Urban Area Planning Commission

Date

These minutes were prepared by contracted minute taker, Becca Quimby.

**CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**MCKENNA – ROGUE RIVER DEVELOPMENT
COMPREHENSIVE PLAN MAP AMENDMENT, ZONING MAP AMENDMENT,
AND MAJOR SITE PLAN REVIEW
FINDINGS OF FACT - URBAN AREA PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	15-20100017 & 15-40200003
Project Type:	Comprehensive Plan Map Amendment, Zoning Map Amendment, and Major Site Plan Review
Owner/Applicant:	Martin McKenna
Representative:	ZCS Engineering, Inc
Map & Tax Lot:	36-05-20-CB, TLs 8700 & 8801
Address:	660 Rogue River Highway
Total Acreage:	TL 8700 ~ 1.46 acres; TL 8801 ~ 0.64 acres (2.1 total)
Existing Comprehensive Plan Designation:	General Commercial
Proposed Comprehensive Plan Designation:	Business Park
Existing Zoning:	General Commercial (GC)
Proposed Zoning:	Business Park (BP)
Planner Assigned:	Justin Gindlesperger
Application Received:	March 27, 2015
Application Complete:	March 27, 2015
Date of Staff Report:	May 5, 2015
Date of UAPC Hearing:	May 13, 2015
Date Findings Signed:	May 27, 2015

Note: ~~Strikeout Text~~ indicates text that was deleted. *Italic Text* indicates text that was added.

I. PROPOSAL:

The request is for a Comprehensive Plan Map Amendment and Zoning Map Amendment from General Commercial (GC) to Business Park (BP) for the above-referenced properties containing approximately 2.1 acres. Tax lot 8700 is currently development with a single-family residence and tax lot 8801 is currently undeveloped.

The application materials in conjunction with an application for a Major Site Plan for a proposed a 36,380 square foot, 229 unit, mini-storage facility and 3,300 square foot office and caretakers quarters. The application includes a narrative, a development site plan and building elevations.

II. AUTHORITY AND CRITERIA:

Sections 13.5.5 and 13.8.3 of the Grants Pass Urban Area Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of

the Comprehensive Plan. However, the 1998 Intergovernmental Agreement modified that provision with the result that the City Council will make the decision, and the County will have automatic party status.

Section 13.8.3 of the Comprehensive Plan provides that notice shall be as provided in Section 2.060 of the *Development Code* for a Type IV procedure, with a recommendation from the Urban Area Planning Commission and a final decision by City Council. The text or map of the Comprehensive Plan may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan Policies Document are met. The Zoning Map may be amended provided the Criteria in Section 4.033 of the *Development Code* are met.

Section 2.050, Schedule 2-1, and Sections 2.050, 7.040 and 12.027 of the Development Code authorize the Urban Area Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in Section 19.052 of the *GPDC*.

III. APPEAL PROCEDURE:

Section 10.060 provides the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

IV. PROCEDURE:

- A. An application for the Comprehensive Plan Map and Zone Map Amendment and Major Site Plan Review was submitted and deemed complete on March 27, 2015. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the May 13, 2015 public hearing was mailed to the Oregon Department of Land Conservation and Development on March 27, 2015, in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Public notice of the May 13, 2015 public hearing was mailed on April 22, 2015, in accordance with Sections 2.053 and 2.063 of the Development Code.
- D. Public notice of the May 13, 2015 public hearing was published in the Daily Courier on May 6, 2015, in accordance with Sections 2.053 and 2.063 of the Development Code.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on May 13, 2015, which are attached as Exhibit "B" summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The staff PowerPoint Presentation given at the May 13, 2015 public hearing is attached as Exhibit "C" and incorporated herein.

- D. The applicant's PowerPoint Presentation given at the May 13, 2015 public hearing is attached as Exhibit "D" and incorporated herein.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

A. Property Characteristics

- | | | |
|-----|------------------------------|---|
| 1. | Land Use Designation: | |
| | a. Comprehensive Plan: | General Commercial |
| | b. Zone District: | General Commercial |
| | c. Special Purpose District: | None identified. |
| 2. | Size: | 2.10 acres (1.46 ac, 0.64 ac) |
| 3. | Frontage: | Rogue River Hwy, Grants Pass Parkway |
| 4. | Access: | Rogue River Hwy, Grants Pass Parkway |
| 5. | Existing Public Utilities: | |
| | a. Water: | 8-inch in Rogue River Hwy |
| | b. Sewer: | 8-inch in center of TL 8700 |
| | c. Storm: | 30-inch in Grants Pass Parkway, and 24-inch from Northwest to Southeast across both tax lots. |
| 6. | Proposed Public Utilities: | None identified |
| 7. | Topography: | Relatively flat with a steep slope along the southern property line. |
| 8. | Natural Hazards: | None identified |
| 9. | Natural Resources: | None identified |
| 10. | Existing Land Use: | TL 8801: Single family residences
TL 8700: undeveloped |
| 11. | Surrounding Land Use: | |
| | a. North: | R-2 ~ Single family residences |
| | b. South: | GC ~ Mixed Commercial |
| | c. East: | R-2 and GC ~ Single family residences and vacant |
| | d. West: | GC ~ Mixed Commercial |

B. Discussion

Comprehensive Plan Map Amendment & Zoning Map Amendment

The subject property has a Comprehensive Plan and zoning designation of General Commercial (GC). The proposal would amend both the plan designation and the zoning

designation to Business Park (BP). Section 12.321 of the Development Code states that the purpose of the Business Park District:

“ . . . is to provide a mixed-use zone for light industrial and commercial uses. Retail trade is permitted as an accessory use or when determined to be compatible with, or can be made compatible with, light industrial or wholesale trade uses via a discretionary review process. Performance Development Standards are designed to ensure the compatibility of the light industrial uses with the commercial uses, and the compatibility with adjacent Commercial and Residential Zoning Districts.”

Whereas, the purpose statement for the General Commercial districts is:

“ . . . to provide for all commercial and professional uses, excepting those requiring on-site manufacture or assembly.” (Section 12.222)

The subject parcel is located within the Harbeck-Fruitdale commercial subarea as described in the Comprehensive Plan. Section 13.9.11 of the Comprehensive Plan provides the following discussion for the subarea:

The Subarea is a “strip” development along the Rogue River Highway, extending from the Redwood Interchange west to the Boundary limit. Expansion off the Highway, the presence of a high shelf falling away to the river at the north-westerly end of the subarea, the encroachment of residential lands and the change in travel patterns brought about by the I-5 Freeway all limit future commercial development in this area. Projected commercial demand is 16 acres.

As Grants Pass continues to grow, transportation and connectivity become a constraining factor on economic development. Encouraging mixed use developments will help alleviate some of the stress placed on the existing transportation facilities.

The property is located off Rogue River Highway, east of the intersection with Grants Pass Parkway. Access to the property is along Rogue River Highway and a left turn lane was recently constructed to provide access to the property for eastbound traffic. Due to the location between Grants Pass Parkway and Rogue River Highway and limited access movements to and from the site, the difficulty in development of the property lends itself to meeting the purpose of the BP zone as discussed in Section 12.321 of the Development Code.

Trip rates for industrial uses are generally lower than commercial uses. Based on the proposed use (ITE Classification 151-Mini-Warehouse and 701-General Office), only 10 PM peak hour trips would be generated. The current GC zoning would allow a pharmacy with a drive-thru window with a much higher trip rate (96.91 trips per 1,000 sq. ft.), which is not a permitted use in the Business Park zoning district. However, a fast food restaurant with a drive-thru window (496.12 trips per 1,000 sq. ft.) is allowed in both zones. Based upon the “worst case” scenario, a Traffic Impact Analysis (TIA) was not required for the Comprehensive Plan Map/Zone Map amendment.

Major Site Plan Review

In addition to the Comprehensive Plan Map Amendment and the Zoning Map Amendment, the applicant is proposing to construct a mini-storage facility. The proposed development is being reviewed as a Major Site Plan and is subject to the criteria in Section 19.052 of the Development Code.

Access to the property is proposed along Rogue River Highway, an ODOT state highway. A left turn lane was recently constructed to provide access to the property for eastbound traffic. Based on the proposed use, traffic volumes would be below the threshold for a Traffic Impact Analysis (TIA), therefore a TIA was not required.

The applicant is proposing to provide landscaping to buffer the site from adjacent properties. In accordance with Section 23.034, Schedule 23-4, the applicant is proposing to provide a five (5) foot setback along the eastern property line, where the property abuts residential development. The applicant is providing an easement that will be utilized as a buffer strip, installing additional landscaping where required, and using the brick façade of the storage units as the required six (6) foot screening wall between indoor industrial and residential uses. The adjacent neighbors have signed letters of agreement with the applicant for the zone buffer option.

Architectural Standards

The applicant has elected the "Discretionary Review" procedure to deviate from the Commercial Design Standards of Article 20 of the City of Grants Pass *Development Code* (GPDC). The design is not fully compliant with the Code due to construction requirements for the proposed use.

The architectural standards require that buildings present a "face" towards streets, sidewalks and other public areas. Windows and glass doors in exterior walls (Section 20.410), overall building length of more than 50 feet (Section 20.422), change in massing at maximum of 50 feet (Section 20.423), detailing (Section 20.425) and treatment of blank walls without windows or glass doors (Section 20.430) provide building design guidelines to break up massing, minimize the feeling of long, continuous blank wall and creating human scale.

The building elevations facing the property lines and street frontages do not feature windows due to security reasons. The applicant is proposing to incorporate a stone veneer at 50 foot intervals to help break up the long continuous walls of the mini-warehouse facades. Existing and proposed landscaping will help screen the structures from public rights-of-way and adjacent properties. The Rogue River Highway is elevated above the property, which will place the buildings lower in the sight line from the right-of-way.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. For comprehensive plan map amendments, Comprehensive Plan Policy 13.5.4 requires that all of the following criteria be met:

CRITERION (a): Consistency with other findings, goals and policies in the Comprehensive Plan.

Planning Commission Response: Satisfied. The proposal is consistent with the applicable Goals and Policies found in Element 8 ~ Economy, Element 10 ~ Public Facilities and Services, and Element 13 ~ Land Use of the Comprehensive Plan for reasons summarized below.

Element 8 - Economy

Goal: To improve, expand, diversify and stabilize the economic base of the community

Policy 8.1(d) – “The City and County shall endeavor to improve, expand, diversify and stabilize the economic base of the community by insuring that an adequate quality and quantity of industrial land is available, properly zoned and services.”

1st Conclusion under Criterion (a):

The Comprehensive Plan identifies that very little of the acreage that is available for industrial development is fully serviced, has appropriate zoning and is vacant or underutilized. The proposed amendment will provide additional industrial lands with existing services that also have the potential for development. The proposed indoor industrial use (mini-warehouse storage) will also complement the existing development in the area.

Mini-warehouse storage units also complement current economic growth in Grants Pass. Units of various sizes are often leased by contractors as private shops and storage of materials and equipment. The proposed development provides convenient location to several thoroughfares with convenient access throughout the city.

Element 10. Public Facilities and Services:

Goal: To provide needed facilities and services for the Urban Growth Boundary area in a timely, orderly, efficient, economic and coordinated manner.

2nd Conclusion under Criterion (a):

Public services are available to serve the existing use and any proposed use, as covered by the adopted utility plans and service policies.

Element 13. Land Use:

Goal: To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that:

- (a) is responsive to the wishes of the citizens and property owners of the planning area, and
- (b) provides adequate amounts of industrial, commercial, and residential lands to meet growth needs over the planning period.

Policy 13.2.1 Comp Plan Land Use Map:

The Comprehensive Plan Land Use Map shall:

- (a) designate the highest and best land use for all portions of the Urban Growth Boundary area, on a parcel-by-parcel basis.
- (b) guide and direct changes to the Zoning Map
- (c) meet the demonstrated need during the planning period for residential, commercial, industrial, and public lands as determined by the Comprehensive Plan.

13.9.13 South Area Commercial

The Harbeck-Fruitdale subarea is a "strip" development along the Rogue River Highway, extending from the Redwood Interchange west to the Boundary limit. Expansion off the Highway, the presence of a high shelf falling away to the river at the north-westerly end of the subarea, the encroachment of residential lands and the change in travel patterns brought about by the I-5 Freeway all limit future commercial development in this area. Projected commercial demand is 16 acres.

3rd Conclusion under Criterion (a):

The proposed amendment of approximately 2.10 acres of land from General Commercial to Business Park will not have a substantial impact on the planned land uses in this area. The policies for the Fruitdale-Harbeck Commercial subarea states that the potential growth of commercial development in this area is limited by a change in travel patterns and the encroachment of residential uses. Development on the subject parcels is further limited by access constraints and grade changes from Rogue River Highway north onto the parcels. The applicant's proposed future use of mini-warehouse storage units is compatible with the Business Park zoning district.

CRITERION (b): A change in circumstances validated by and supported by the database or proposed changes to the database, which would necessitate a change in findings, goals and policies.

Planning Commission Response: Satisfied. The proposed amendment for the property will change the database to allow a variety of light industrial and commercial uses. The proposed amendment would amend the plan and zoning map from General Commercial (GC) to Business Park (BP) and would not require the amending of findings, goals or policies. Element 8 ~ Economy of the Comprehensive Plan shows site needs by size and use and supports the database change. From 2007 through 2027, approximately 25-45 industrial sites of 2-5 acres will be needed compared to 18 sites available.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

Planning Commission Response: Satisfied. The proposal is consistent with five (5) of the nineteen (19) applicable statewide planning goals described below:

Goal 1: Citizen Involvement

The proposal is reviewed and noticed according to the requirements for a Type IV-B procedure. Property owners within two hundred and fifty (250) feet were sent notice of the application. Public notice is posted for both the Planning

Commission and City Council hearings in the *Daily Courier* (the local newspaper), on the City of Grants Pass website, www.grantspassoregon.gov and on the first floor of the City Hall building. Such notification provides the public an opportunity to provide written or oral comments on the matter either before or at the hearings.

The City has an acknowledged Citizen Involvement Program adopted under Resolution 1748 that insures the public can actively engage in the planning process.

No comments were received from surrounding property owners during the notice period.

Conclusion: The City's procedures outlined in the *Comprehensive Plan* and *Development Code* pertaining to citizen involvement are being followed. The proposal is consistent with Goal 1 standards and requirements.

Goal 2: Land Use

The Grants Pass *Comprehensive Plan* and *Development Code* outline the planning process to consider a Comprehensive Plan Map Amendment and the Zoning Map Amendment. The process requires the application to be heard by both the Planning Commission and the City Council. The Planning Commission will review the proposal and provide a formal recommendation that will be considered by the City Council for final decision. Specific criteria have been adopted that relate to the proposal. The review bodies will evaluate the proposal against those criteria in order to make a decision.

Conclusion: The application is being reviewed through the City's land use process, making it consistent with the purpose of statewide Goal 2.

Goal 9: Economic Development

The proposed amendment to change the subject parcel to Business Park (BP) would provide additional light industrial development in the South City Commercial, Harbeck-Fruitdale subarea. Potential growth of commercial development in this area is limited by a change in travel patterns and the encroachment of residential uses.

Oregon Administrative Rule (OAR) Division 9, Economic Development (660-009-0000) requires that cities review and amend their comprehensive plans as necessary to comply with this division to provide economic opportunity analyses for the demand of land for industrial and other employment uses to the existing land supply.

Element 8 ~ Economy of the Grants Pass & Urbanizing Area Comprehensive Plan (GPUACP) states that industrial sites needed exceeds current supply for site of 2-5 acres in size.

Conclusion: The proposal provides additional industrial lands and further economic opportunities, thus meeting the standards and requirements of Goal 9.

Goal 11: Public Facilities and Services

The City has acknowledged master plans for urban services (including water, sewer and transportation) as part of the *Comprehensive Plan* and *Grants Pass Development Code*. Both water and sewer services are currently available to the subject properties and are adequate and available to serve further development of the properties.

Trip rates for industrial uses are generally lower than commercial uses. Based on the proposed use (ITE Classification 151-Mini-Warehouse and 701-General Office), only 10 PM peak hour trips would be generated. The current GC zoning would allow a pharmacy with a drive-thru window with a much higher trip rate (96.91 trips per 1,000 sq. ft.), which is not a permitted use in the Business Park zoning district. However, a fast food restaurant with a drive-thru window (496.12 trips per 1,000 sq. ft.) is allowed in both zones. Based upon the “worst case” scenario, a Traffic Impact Analysis (TIA) was not required for the Comprehensive Plan Map/Zone Map amendment.

Conclusion: Public services are available to serve the existing use and any proposed use, as covered by the adopted utility plans and service policies. Based on the proposed use, a TIA was not required and the development will not significantly affect the adjacent transportation facilities. The proposal is consistent with Goal 11.

Goal 12: Transportation

The City has an acknowledged Master Transportation Plan as part of the *Comprehensive Plan* and *Grants Pass Development Code*. The tract has frontage on Rogue River Highway, an Oregon Department of Transportation (ODOT) state highway.

The proposal is subject to the Transportation Planning Rule outlined in OAR 660-012-0060 and the Grants Pass Development Code. As noted above, the applicants were not required to submit a Traffic Impact Analysis (TIA) for the proposed development.

Conclusion: As noted above, based upon the “worst case” scenario, a TIA was not required for the Comprehensive Plan Map/Zone Map amendment. The Oregon Department of Transportation provided comments that the project would not significantly affect the state transportation facilities. The proposal is consistent with Goal 12.

CRITERION (d): Citizen review and comment.

Planning Commission Response: Satisfied. Public notice of the proposal was mailed to surrounding properties in accordance with the Comprehensive Plan and Development Code procedures. No comments were received from property owners during the notice period.

CRITERION (e): Review and comment from affected governmental units and other agencies.

Planning Commission Response: Satisfied. Affected governmental units and agencies were notified.

Notice of the proposal was mailed to the Department of Land Conservation and Development (DLCD) on March 27, 2015. No comments were received.

Notice of the proposal was mailed to Josephine County on March 27, 2015, in accordance with the 1998 Intergovernmental Agreement. The County had no comments.

Notice was provided to the ODOT.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

Planning Commission Response: Satisfied. Water, sewer, storm, and streets are all present adjacent to the property and are available to serve the property. Therefore, the proposed amendment is in conformance with the Comprehensive Plan.

CRITERION (g): Additional information as required by the review body.

Planning Commission Response: Satisfied. Additional information will be provided upon request of the review body.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan was originally adopted in error.

Planning Commission Response: Not Applicable. There is no indication that the original boundaries were adopted in error.

B. For Zone Map Amendments, Section 4.033 of the City of Grants Pass Development Code requires that all of the following criteria be met:

CRITERION 1: The proposed use, if any is consistent with the proposed Zoning District.

Planning Commission Response: Satisfied. The applicant has proposed a 36,380 square foot, 229 unit, mini-storage facility and 3,300 square foot office and caretakers quarters on the subject parcels. If the proposed zone change is approved, the proposed Indoor Industrial use, a permitted use in the Business Park zone as listed in Schedule 12-2 of the Development Code, will be consistent with the proposed zoning.

CRITERION 2: The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.

Planning Commission Response: Satisfied based on action taken on the proposed Comprehensive Plan Amendment. If the Comprehensive Plan designation is amended as proposed, the Business Park zoning district and the Business Park comprehensive plan map designation would correspond. As described above, and reflected on the zoning map, the parcels are located between General Commercial and medium-density residential zoning districts. The inclusion of the Business Park zone by

the proposed amendment for the subject property is consistent with the surrounding plan designations, zoning, and the policy for this subarea and neighborhood.

CRITERION 3: A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impacts upon the affected service area or without a change to adopted utility plans.

Planning Commission Response: Satisfied. Basic services such as sewer and water are available to accommodate the proposed development. As noted in ODOT's comments, the adjacent transportation facilities are adequate to serve the proposed use.

CRITERION 4: A demonstration that the proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

Planning Commission Response: Satisfied. Trip rates for industrial uses are generally lower than commercial uses. Based on the proposed use (ITE Classification 151-Mini-Warehouse and 701-General Office), only 10 PM peak hour trips would be generated. The current GC zoning would allow a pharmacy with a drive-thru window with a much higher trip rate (96.91 trips per 1,000 sq. ft.), which is not a permitted use in the Business Park zoning district. However, a fast food restaurant with a drive-thru window (496.12 trips per 1,000 sq. ft.) is allowed in both zones. Based upon the "worst case" scenario, a Traffic Impact Analysis (TIA) was not required for the Comprehensive Plan Map/Zone Map amendment. ODOT provided comments that the project would not significantly affect the state transportation facilities.

CRITERION 5: The natural features of the site are conducive to the proposed Zoning District.

Planning Commission Response: Not Applicable. No natural features were identified on the subject parcels.

CRITERION 6: The proposed zone is consistent with the requirements of all overlay districts that include the subject property.

Planning Commission Response: Not Applicable. The parcels are not located within an overlay district or other special district.

CRITERION 7: The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

Planning Commission Response: Satisfied. The timing of the zone change is appropriate with regards to the applicant's proposed development plan. Urban services are available to the site and are adequate for the applicant's intended use.

CRITERION 8: In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

Planning Commission Response: Not Applicable. The subject property is not located within an Urban Reserve District, and this criterion does not apply.

C. Major Site Plan Review Criteria - Section 19.052

Section 19.052 of the City of Grants Pass Development Code states that the review body shall approve, approve with conditions, or deny the request based upon the following criteria:

Criterion (1): Complies with applicable development standards: Base standards of zoning district, special development standards, residential development standards, or standards as previously approved under the provisions of an optional development plan or other approved permit.

Planning Commission Response: Satisfied with conditions. The project area is comprised of two (2) separate parcels, approximately 2.10 acres in the GC zoning district. The site plan provided with the application depicts several structures constructed across the common property line. As conditioned below, the applicant is required to complete a property line vacation prior to issuance of a Development Permit.

The proposal is also subject to meeting the commercial design standards of Article 20 of the Development Code. Subject to the approval of the applicant's request for Discretionary Review, the proposed building will comply with these standards.

Criterion (2): Complies with applicable elements of the Comprehensive Plan, including: Traffic Plan, Water Plan, Sewer Plan, Storm Drainage Plan, Bicycle Plan, and Park Plan.

Planning Commission Response: Satisfied with conditions.

Traffic Plan: Access to the property is proposed along Rogue River Highway, an ODOT state highway. A left turn lane was recently constructed to provide access to the property for eastbound traffic. Based on the proposed use, a TIA was not required.

The Oregon Department of Transportation (ODOT) reviewed the proposal and determined that it would not significantly affect the state transportation facilities. As conditioned below, the applicant shall obtain a valid ODOT Miscellaneous Permit for any work within the right-of-way for Rogue River Highway or Grants Pass Parkway.

Water and Sewer Plan: Existing water and sewer mains are located in the frontage of Rogue River Highway. The development will be required to meet utility standards for new water and sewer connections to serve the project.

A City Utility Easement is required along all street frontages. As conditioned below, the applicant shall provide documentation demonstrating a CUE along Rogue River Highway and the Grants Pass Parkway.

Storm Drain Plan: As a condition of approval, the applicant is required to submit storm drainage calculations to the Engineering Division as part of the civil engineering submittals. Post development storm water runoff shall not exceed runoff from pre development conditions.

Bicycle Plan: There are existing bicycle facilities along the frontage of the property. No new bicycle facilities are required at this time.

Park Plan: The subject property is not listed as park land in the Parks and Recreation Master Plan.

Criterion (3): Complies with all other applicable provisions of this Code, including off-street parking, landscaping, buffering and screening, signage, environmental standards, and Special Purpose District standards.

Planning Commission Response: Satisfied with Conditions.

Parking: The site plan depicts six (6) parking spaces. The use of mini-warehouse is not specifically listed in the Development Code in relation to parking requirements. Section 25.035(2) of the Development Code authorizes the Director to determine the number of spaces for uses not specifically listed. The closest parking calculation in the Code is "Storage Warehouse". Using this as the calculation rate the applicant would be required to provide one (1) parking space per 2000 square feet, or approximately eighteen (18) spaces for the proposed use. The American Planning Association developed the guide, *Parking Standards*, which uses the ratio of one (1) parking space for every one hundred (100) storage units, plus two (2) spaces for the caretakers unit. Using this as the calculation rate would require five (5) spaces for the storage units and the caretakers unit.

Office space is calculated at two (2) spaces for every 1000 feet of gross floor area. The manager's office is depicted as 1,200 square feet, which would require an additional three (3) parking spaces.

Since customers park next to their units in unmarked loading areas, the Director has determined that the six (6) proposed parking spaces, including a van accessible ADA compliant space, provide ample parking area for customers when visiting the manager's office. Additional parking will not be required for this complex.

Three (3) Type IV bicycle parking spaces are required for every 15,000 sq. ft. of building space in accordance for storage or warehouse and one (1) Type I bicycle parking space for the 3,300 sq. ft. office building, in accordance with Section 25.064, Schedule 25-2. The site plan reflects a proposed location for bicycle parking. As conditioned below, the applicant will be required to provide three (3) Type IV bicycle parking spaces and one (1) Type I bicycle parking space.

Landscaping: The site contains existing landscaping along the Grants Pass Parkway frontage. The site plan indicates appropriate landscaping, pursuant to the requirements for indoor industrial development in Section 23.032. As conditioned below, the applicant is required to provide a landscaping and irrigation plan for landscaping and screening installed along the front yard, the parking area and adjacent to the new structure, including the following:

- a. A ten (10) foot landscaped front/exterior yard, which may include a five (5) foot parking intrusion, for General Commercial and Indoor Industrial, pursuant to Section 23.032.

- b. Minimum landscape requirements per 1,000 square feet of required front or exterior yard:
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
 - ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
 - iii. Remaining area treated with attractive living ground cover.
- c. Parking lot landscaping, pursuant to Section 23.035:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;
 - iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.

Buffering and Screening: Parking areas adjacent to neighboring properties shall provide additional buffering. As conditioned below, the applicant shall provide screening between the adjacent properties and the proposed parking area with an 18-inch hedge included in the three (3) foot landscaped buffer.

The applicants are proposing to provide a zone buffer between the proposed development and the adjacent residential development to the east. In accordance with Section 23.034, Schedule 23-4, the applicants may provide a five (5) foot setback with an easement and screening wall between uses. The blank walls of the storage units will serve as the screening wall and the applicants are proposing to install additional landscaping to screen the uses. As conditioned below, the applicants are required to obtain a reciprocal maintenance and use agreement for the landscape area separating the uses.

Signage: The installation of signs is subject to the Municipal Code, requiring a separate review and permit by the Community Development office. Proposed signs are not being included as part of this review.

Environmental Standards: No environmental constraints appear to exist on the subject parcel.

Special Purpose District standards: The property is not located within a Special Purpose District.

Commercial Design Standards: The proposed structure is subject to the commercial design standards and requirements of Article 20. The applicant has elected the discretionary review option outlined in Section 20.210 of the GPDC. As discussed above, the construction of mini-warehouse does not permit the installation of windows and glass doors due to security reasons. The applicant is proposing to use a stone veneer at 50 foot intervals to help break up long, continuous walls and provide ample landscaping to help screen the structures.

Criterion (4): Potential land use conflicts have been mitigated through specific conditions of development.

Planning Commission Response: Satisfied with conditions. The proposed development will be located adjacent to residential properties to the east. The applicants are proposing to provide a zone buffer between the uses. In accordance with Section 23.034, Schedule 23-4, the applicants may provide a five (5) foot setback with an easement and screening wall between uses. The blank walls of the storage units will serve as the screening wall and the applicants are proposing to install additional landscaping to screen the uses. As conditioned below, the applicants are required to obtain a reciprocal maintenance and use agreement with the adjacent property owners for the landscape area separating the uses.

Criterion (5): Adequate basic urban services are available, or can be made available by the applicant as part of a proposed development, or are scheduled by the City Capital Improvement Plan.

Planning Commission Response: Satisfied with conditions. An eight (8) inch existing sewer main is located near the northeast corner of the property. The applicant is proposing to remove existing on-site sewer utilities from this point. As conditioned below, the applicant is required to plug the inlet within the existing manhole and connect the private sewer lateral downstream of the manhole. Any remaining portion of the public sewer remaining on tax lot 8700 shall require a twenty (20) foot unobstructed and drivable public sewer easement.

Water service is located within the Rogue River Highway right-of-way. As conditioned below, new connections will be required to meet current standards.

Criterion (6): Provision of public facilities and services to the site will not cause service delivery shortages to existing development.

Staff Response: Satisfied with conditions. The proposed use will require new connections for water and sewer services. The site will use water for potable use and landscaping. This project will not cause delivery shortages to surrounding developments. As conditioned, the developer will be required to submit a utility plan to the Utility Division and Public Safety which includes a fire safety plan, to include either public or private fire lines and fire hydrants. A condition of approval will include a 24-hour "unobstructed access" be provided for any public "on site" fire lines and fire hydrants. Any proposed public fire hydrant must be located outside of the gated compound to enable unobstructed access.

Criterion (7): To the extent possible, identified significant resources, such as intermittent and perennial creeks, stands of pine, fir, and oak trees, wildlife habitats, historic sites, and prominent land features have been preserved and designed into the project. Alternatives shall be considered and the proposal shall represent the most effective design to preserve these resources.

Planning Commission Response: Not applicable. No natural features or significant resources have been identified on this site that would require special attention or preservation.

Criterion (8): The characteristics of existing adjacent development have been determined and considered in the development of the site plan. At a minimum, special design consideration shall be given to:

- a. Areas of land use conflicts, such as more restrictive use adjacent or across the street from proposal. Mitigate by orienting business operations away from use, additional setbacks, screening/buffering, landscaping, directing traffic away from use.
- b. Setbacks. Where existing buildings are setback deeper than required by Code, new setbacks to be compatible.
- c. Building Size and Design. Existing surrounding architecture and building size to be considered to insure compatible scale and balance to the area.
- d. Signs. New signs shall not block primary view to existing signs, and shall be sized consistent with Code or existing signs, whichever is less.
- e. Lighting. Exterior lighting shall not impact adjacent development or traveling motorists.

Planning Commission Response: Satisfied with Conditions.

- a. The proposed development will be located adjacent to residential properties to the east. As noted above, the applicants are proposing to provide a zone buffer between the uses. Any refuse container or disposal area shall be screened from view and any development subject to the commercial design standards shall screen mechanical equipment from view. As conditioned below, the applicant shall reflect the location of the mechanical equipment and proposed screening and provide details of the trash enclosures.
- b. The proposed structures will meet the minimum setback requirements for the Business Park zoning district.
- c. The proposal is also subject to meeting the commercial design standards of Article 20 of the Development Code. Subject to the approval of the applicant's request for Discretionary Review, the proposed building will comply with these standards.
- d. No new signs are being reviewed under this application.
- e. Lighting will not glare on adjacent development or the travelling public.

Criterion (9): Traffic conflicts and hazards are minimized on and off site, as provided in Article 27.

Planning Commission Response: Satisfied with conditions. As discussed above, access to the property is proposed along Rogue River Highway, an ODOT state highway. A left turn lane was recently constructed to provide access to the property for eastbound traffic. Based on the proposed use, a TIA was not required. As conditioned below, the applicant shall obtain a valid ODOT Miscellaneous Permit for any work within the right-of-way for Rogue River Highway or Grants Pass Parkway.

Criterion (10): If phased development, each phase contains adequate provisions of services, facilities, access, off-street parking, and landscaping.

Planning Commission Response: Satisfied with conditions. The site plan depicts a second phase for development of the west half of the property. Construction of Phase 1 will provide access to the entire site, ample off-street parking and landscaping for the completed development. *The time period for Phase 2 shall not extend five (5) years past the date of approval for submission of the Development Permit Prior to expiration of approval of this application. All improvements along the property lines, including landscaping, screening, buffering and fencing, shall be installed prior to the completion of Phase 1.*

Criterion (11): There are adequate provisions for maintenance of open space and other common areas.

Planning Commission Response: Not applicable. There is no open space or common area proposed as part of this application.

Criterion (12): Internal circulation is accommodated for commercial, institutional and office park uses with walkways and bikeways as provided in Article 27.

Planning Commission Response: Not applicable. Should the comprehensive map and zoning change request be approved, the property will be zoned Business Park and the need for internal circulation is not applicable to this application. Frontage improvements along Rogue River Highway and Grants Pass Parkway are existing. No improvements are required at this time.

Criterion (13): If the property contains existing nonconforming use or development to remain, the application and the Review Body's decision shall also be consistent with the provisions of Article 15, including any additional standards, relief from the Code, or conditions imposed.

Planning Commission Response: Satisfied with conditions. There are no nonconforming uses to remain on site. As conditioned below, the applicants are required to obtain a demolition permit prior to removal of the existing structures on tax lot 8700.

The site plan provided with the application depicts several structures constructed across the common property line. As conditioned below, the applicant is required to complete a property line vacation prior to issuance of a Development Permit.

VIII. RECOMMENDATION:

The Urban Area Planning Commission recommends that the City Council **APPROVE** the proposed Comprehensive Plan map amendment and zoning map amendment from General Commercial/GC to Business Park/BP. The vote was 7-0 with Commissioners Arthur, Coulter, Fitzgerald, Kellenbeck, MacMillan, McIntire and McVay in favor. There is one vacancy on the Commission.

The Urban Area Planning Commission found the applicable criteria satisfied and recommended the City Council **APPROVE** the proposed Major Site Plan Review application in the staff's presentation. The vote was 7-0 with Commissioners Arthur, Coulter, Fitzgerald, Kellenbeck, MacMillan, McIntire and McVay in favor. There is one vacancy on the Commission.

Conditions of Approval:

A. The following shall be accomplished within eighteen months of the date this report is signed and prior to issuance of a Development Permit. Otherwise, the approval shall expire. Extension of the Site Plan Review approval is permitted pursuant to Section 3.077(2) of the Development Code. Extension of the Development Permit is permitted pursuant to Section 3.093(2) of the Development Code. (NOTE: A development permit is required prior to commencement of construction).

1. The applicant must complete an application for a property line vacation and provide a copy of the approving ordinance.
2. Submit four (4) copies of a revised site plan reflecting the following items:
 - a. Five (5) foot easement along common property line with residential development to the east.
 - b. Reflect the location of mechanical equipment and screening in conformance with Figure 23-6.
 - c. Detail of trash enclosures.
 - d. Reflect 24-hour unobstructed and drivable access to any proposed public utilities, including fire lines/hydrants and sewer lines.
 - e. Reflect the location of the three (3) Type IV and one (1) Type I bicycle parking spaces.
 - f. Landscape and irrigation plan in accordance with Section 23.032, Commercial Front and Exterior Yards, and Section 23.035, Parking Lot Landscaping. The approved plant materials installed in the area between the curb and the sidewalk may be used in meeting the landscaping requirements for the front yard. The revised landscape plan should include the following:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including 18-inch hedge for screening.
 - ii. Five (5) foot buffer between the proposed structures and adjacent properties to the east.
 - iii. Location of backflow devices as "point of use" protection on all water services containing multiple zone irrigation systems.
 - iv. Identification of the type of irrigation system to be used, location of irrigation lines, and coverage to be achieved.
 - v. Any accompanying letter from the designer of the landscape plan stating that the design of the proposed

irrigation system can provide irrigation sufficient for the health and survival of the tree and plant species specified in the landscape plan.

3. Submit draft documentation (including legal description and maps) for a ten (10) foot CUE along all street frontages, including Rogue River Highway and Grants Pass Parkway.
4. Provide four (4) copies of the following to the City Engineering Division for review and approval:
 - a. An engineered drainage plan including detention calculations and detention plan with details for drainage swales and detention basins.
 - b. A grading plan if applicable. **Note:** A grading permit is required prior to any grading on site.
 - c. An erosion and dust control plan. **Note:** A NPDES permit is required prior to construction.
 - d. Engineered details for any retaining wall greater than four (4) feet in height, including footings.
 - e. A detailed Utility Plan reflecting the following, as required by Public Works:
 - i. RP backflow device shall be required on all water services as “premises” protection.
 - ii. DC backflow devices shall be required as “point of use” protection on all water services containing multiple zone irrigation systems.
 - iii. A separate irrigation service is recommended. Future splitting of the domestic water service for irrigation shall not be permitted.
 - iv. The location of public water meters. All public water meters shall be located only within the public right-of-way and outside of the commercial driveway approaches. Any water services located within the commercial driveways shall be properly abandoned.
 - v. All “premises” backflow prevention devices shall be located within 10 feet behind each public water meter.
 - vi. All “on-site” public fire lines and hydrants located within a 20 foot unobstructed and drivable public water line easement.

- vii. If private fire sprinkler systems are utilized, each fire sprinkler system shall be protected with a DC backflow device with a detector meter. If anti-freeze agents are utilized within the private sprinkler system, an RP backflow device shall be required in place of the DC backflow assembly.
 - viii. The location of the proposed public fire hydrant. Any public fire hydrant must be located outside of the gated compound to enable unobstructed access.
5. Obtain a valid ODOT Miscellaneous Permit for any work within the State Highway right-of-way.
 6. Provide a copy of the reciprocal access and maintenance agreement for the zone buffer area between the proposed development and the adjacent residential properties to the east.
 7. Obtain a demolition permit from the Building Division prior to removal of existing structures.

B. The following must be accomplished prior to issuance of a Building Permit:

1. Pay all System Development Charges including, but not limited to, water, sewer, and storm drain.
2. Submit construction documents to the Building Division for their review and approval to determine compliance with all Building, Fire and Life Safety, and Americans with Disabilities Act requirements. Buildings plans shall be consistent with the approved site plan.

Note: Plans must be prepared by an Oregon licensed architect or structural engineer. The building must comply with all applicable building and fire codes.

3. Submit a sign permit for any proposed freestanding or attached signs.

C. The following must be accomplished prior to issuance of a Certificate of Completion for Phase 1:

1. Development must occur according to the approved site plan, landscape plan, and construction drawings including the items listed below. The developer must contact the Parks & Community Development Department and arrange for a final inspection prior to occupancy to insure compliance.
2. Provide recorded copies of the ten (10) foot CUE along Rogue River Highway and Grants Pass Parkway.
3. Install access approach along Rogue River Highway as reflected on the approved site plan.

4. Install parking spaces as reflected on the approved site plan.
5. Parking lots and maneuvering areas must be paved and surrounded with a 6-inch curb (Section 25.033(5) *GPDC*). Individual parking spaces shall be striped.
6. Install inlets as needed per the detailed drainage plan and as shown on the submitted drawings.
7. All signs are the developers to install. Install signs and pavement markings for the required ADA parking space.
8. Install at least three (3) Type IV bicycle parking spaces and one (1) Type I bicycle parking space.
9. Comply with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code Act requirements.
10. Comply with all requirements of the Engineering and Utility Divisions.
11. Installed lighting shall be directional, non-glare and shall not cause glare onto adjacent properties or passing motorists.
12. Install landscaping according to approved plans.
 - a. A ten (10) foot landscaped front/exterior yard, which may include a five (5) foot parking intrusion, for General Commercial and Indoor Industrial, pursuant to Section 23.032.
 - b. Minimum landscape requirements per 1,000 square feet of required front or exterior yard:
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
 - ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
 - iii. Remaining area treated with attractive living ground cover.
 - c. Parking lot landscaping, pursuant to Section 23.035:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;
 - iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.
13. Vegetation should be maintained throughout the year.
14. All new utilities should be placed underground.

15. An RP backflow device shall be required as "premises" protection on the existing domestic water service. All "premises" backflow devices shall be located within 10 feet of the public water service.
16. A DC backflow device shall be required as "point of use" protection on any water service with a multiple zone irrigation system. A DC backflow device shall be required as "premises" protection on any irrigation only service.
17. Pay all inspection fees incurred by the Engineering and Utility Divisions, as well as all City bills due.
18. A sign permit is required prior to erection of any signs. Location of a sign within the CUE must be in compliance with Section 9.21.130 of the Municipal Code.

D. *The following shall be accomplished no later than five (5) years from the date of initial approval, and prior to the issuance of a Development Permit for Phase 2:*

1. *Submit an erosion control and grading plan to the City Engineering Division for review and approval*

Note: *A grading permit is required prior to any grading on site.*

E. *The information below is provided for your information only. The following must be accomplished prior to issuance of a Building Permit for Phase 2:*

1. *Pay all System Development Charges including, but not limited to, water, sewer, parks and transportation and storm drain.*
2. *Submit construction documents to the Building Division for their review and approval to determine compliance with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code requirements. Buildings plans shall be consistent with the approved site plan.*

Note: *Confirm occupancy class of proposed structure. Building must comply with all applicable building and fire codes. The plans must be prepared by an Oregon-licensed design professional.*

3. *Submit a sign permit for any proposed freestanding or attached signs.*

F. *The following must be accomplished prior to the issuance of a Certificate of Occupancy for Phase 2:*

1. *Development must occur according to the approved site, landscape and irrigation plans, and approved building elevations. The developer must contact the Community Development Department and arrange for a final inspection prior to occupancy to insure compliance.*
2. *All signs are the developers to install. Install signs and pavement markings for the required ADA parking space.*

3. *Comply with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code Act requirements.*
4. *The situs address will be provided clearly visible from all street frontages.*
5. *Installed lighting shall be directional, non-glare, and shall not cause glare onto adjacent properties or passing motorists.*
6. *Parking lots and maneuvering areas must be paved and surrounded with a 6-inch curb (Section 23.035(2) GPDC). Individual parking spaces shall be striped.*
7. *All existing private sewer laterals unutilized shall be properly abandoned as directed by the utility division. All lateral abandonment's shall be field verified by the utility division or the City of Grants Pass Plumbing Inspector.*
8. *All private fire sprinkler systems shall be protected with DC backflow devices. RP backflow devices shall be required on all fire systems containing antifreeze agents.*
9. *All new utilities shall be placed underground.*
10. *Vegetation shall be maintained throughout the year.*
11. *Pay all inspection fees incurred by the Engineering and Utility Divisions, as well as all City bills due.*
12. *Submit as-builts for all public improvements.*

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 27th day of May, 2015.

Gerard Fitzgerald, Chair

CITY OF GRANTS PASS PARKS & COMMUNITY DEVELOPMENT DEPARTMENT

**ELEMENT 10 (PUBLIC FACILITIES) COMPREHENSIVE PLAN AMENDMENT
FINDINGS OF FACT - URBAN AREA PLANNING COMMISSION RECOMMENDATION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	15-40500001
Project Type:	Comprehensive Plan Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Tom Schauer
Application Received:	March 6, 2015
Application Complete:	March 13, 2015
Date of UAPC Staff Report:	May 6, 2015
Date of UAPC Hearing:	May 13, 2015
Date of UAPC Findings:	May 20, 2015

I. PROPOSAL:

Amendment adopting Addendum 1 to Element 10 of the Comprehensive Plan (Public Facilities) to incorporate updates for the Water Treatment Plan Facilities Plan and the Water Restoration Plant Facilities Plan. ***See Exhibit 1 to Planning Commission Staff Report.***

II. AUTHORITY AND CRITERIA:

The Comprehensive Plan and 1998 Intergovernmental Agreement authorize the Planning Commission to consider the request for the Comprehensive Plan amendment and make a recommendation to the City Council, and authorize the City Council to make the final decision. The Comprehensive Plan may be amended provided the criteria in Section 13.5.4 of the Comprehensive Plan are met.

III. APPEAL PROCEDURE:

Section 10.060 provides for the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the date the notice of City Council's written decision is provided.

IV. PROCEDURE:

- A. The application was received on March 6, 2015 and deemed complete on March 13, 2015. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the public hearings was sent to the Oregon Department of Land Conservation and Development on March 20, 2015 in accordance with ORS 197.610 and OAR Chapter 660, Division 18.

- C. Notice of the proposed amendment and the public hearings was sent to Josephine County on March 20, 2015 in accordance with the 1998 Intergovernmental Agreement.
- D. Public notice of the May 13, 2015 public hearing was published in the newspaper on May 6, 2015 in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. The Planning Commission held a public hearing on May 13, 2015 to consider the proposal and make a recommendation to the City Council.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report and its exhibits attached as Exhibit "A" and incorporated herein.
 - 1. Proposed Addendum 1 to Element 10 of the Comprehensive Plan (Public Facilities and Services)
 - 2. Water Treatment Plant Facility Plan Update (Resolution 14-6173) and the Water Restoration Plant Facility Plan (Resolution 14-6205).
- B. The minutes of the public hearing held by the Urban Area Planning Commission on May 13, 2015, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation provided by staff at the May 13, 2015 public hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

In 2008, the City Council adopted Ordinance 5460, which updated Element 10 of the Comprehensive Plan to reflect updates to several of the public facility plan documents. In 2014, the City Council adopted the following:

- **Resolution 14-6173. A resolution adopting the Water Treatment Plant Facility Plan Update.** This resolution adopted the Water Treatment Facility Plan Update prepared by Murray, Smith & Associates in association with MWH Americas, Inc. dated January 2014. It replaced the previous Water Treatment Plan Facility Plan adopted in April 2004.
- **Resolution 14-6205. A resolution adopting the Water Restoration Plant (WRP) Facility Plan.** This resolution adopted the Water Restoration Plant Facility Plan prepared by Carollo Engineers, Inc. dated May 2014. It replaced the previous Water Restoration Plant (WRP) Facility Plan completed in June 2001.

Statewide Planning Goal 11 addresses Public Facilities and Services, and Oregon Administrative Rules (OAR) Division 11 address Public Facilities Planning. OAR 660-011-0005(1) defines "Public Facilities Plan" as follows: "A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary

containing a population of greater than 2,500. Certain elements of the public facility plan shall also be adopted as part of the comprehensive plan, as specified in OAR 660-011-0045."

Consistent with OAR 660-011-0005, the proposed amendment, an addendum to Element 10, recognizes these 2014 updates as part of the City's Public Facilities Plan, as support documents to the Comprehensive Plan. The addendum also adopts certain elements of these plans as part of the comprehensive plan, as specified in OAR 660-011-0045. The addendum is attached as ***Exhibit 1 to the Planning Commission Staff Report***. The full plans are referenced as ***Exhibit 2 to the Planning Commission Staff Report***; they are not attached to this staff report, but the full copies are available electronically on the City website.

VII. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA:

For comprehensive plan amendments, the applicable criteria are provided in Section 13.5.4 of the Comprehensive Plan.

CRITERION (a): Consistency with other findings, goals and policies in the Comprehensive Plan.

Response: Satisfied. The proposed amendments are consistent with the Water Service Policies in Section 10.2 of the Comprehensive Plan Policies and the Sewer Service Policies in Section 10.3 of the Comprehensive Plan Policies. These plans address the needs for treatment capacity and requirements for the Water Treatment Plant and the Water Restoration Plant. The water distribution system plan and sewer collection system plan are in the process of being updated, and will be adopted separately.

CRITERION (b): A change in circumstances, validated by and supported by the data base or proposed changes to the data base, which would necessitate a change in findings, goals and policies.

Response: Satisfied. In addition to structural, functional, regulatory, and other issues, the facility plan addresses future demand and capacity needs based on the adopted forecasts and future land use needs.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

Response: Satisfied. The proposed amendments are intended to address the applicable provisions of Statewide Planning Goal 11 (Public Facilities and Services) and specifically OAR 660-011-0005 and -0045, incorporating these facility plans as support documents to the comprehensive plan, and adopting the elements specified in OAR 660-011-0045 as part of the comprehensive plan.

CRITERION (d): Citizen review and comment.

Response: Satisfied. Resolutions 14-6173 (Water Treatment Plant Facility Plan Update) and 14-6205 (Water Restoration Plant (WRP) Facility Plan) were each adopted following their respective public hearings. In addition, the Water Treatment Plant Facility Plan was developed through a process that included a Water Facility Advisory Committee. The public hearing process for the proposed amendment to

Element 10 of the Comprehensive Plan also provides for citizen review and comment.

CRITERION (e): Review and comment from affected governmental units and other agencies.

Response: Satisfied. The Water Treatment Plant Facility Plan Update was prepared by Murray, Smith & Associates in Association with MWH Americas, Inc. and included consultation and coordination with affected agencies, including the Oregon Health Authority Drinking Water Program. The Water Restoration Plant Facility Plan was prepared by Carollo Engineers, Inc. and included consultation and coordination with affected agencies including the Oregon Department of Environmental Quality.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

Response: Satisfied. The proposed amendments provide the updates that include the comprehensive plan provisions to address adequate public facilities and provide the requisite changes for the planning horizon, the identified land use needs, and the adopted land use plans.

CRITERION (g): Additional information as required by the review body.

Response: Satisfied. The Planning Commission had sufficient information to make a recommendation.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan as originally adopted was in error.

Response: Not Applicable. The proposed amendments are intended to address a change in circumstances, as addressed in Criterion (b).

VIII. RECOMMENDATION:

The Urban Area Planning Commission recommends that the City Council **APPROVE** the proposed Comprehensive Plan amendment as presented.

The vote was 7-0-0 with Commissioners Fitzgerald, Coulter, MacMillan, Arthur, McIntire, Kellenbeck, and McVay in favor. There is one vacancy on the Commission.

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 20th day of May, 2015.

Gerard Fitzgerald, Chair

NOTE: *The amendment is legislative and is not subject to the 120-day requirement.*

CITY OF GRANTS PASS PARKS & COMMUNITY DEVELOPMENT DEPARTMENT

**CITY OF GRANTS PASS - 2015 MAP AMENDMENTS
FINDINGS OF FACT - URBAN AREA PLANNING COMMISSION RECOMMENDATION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	15-40200002
Project Type:	Comprehensive Plan Map Amendments and Zoning Transition Overlay District Map Amendments
Applicant:	City of Grants Pass
Total Acreage:	1.34 acres
Map & Tax Lot:	36-5-21-CC-4600, 36-5-21-CD-1900, 36-6-13-AC-1800, 36-6-13-AD-2400
Address:	1550 Carnahan Drive, 1935 Rogue River Highway, 2064 Upper River Road, 2028 SW 'G' Street See Exhibit 1
Planner Assigned:	Tom Schauer
Application Received:	March 4, 2015
Application Complete:	March 13, 2015
Date of Staff Report:	May 6, 2015
Date of UAPC Hearing:	May 13, 2015
Date of UAPC Findings:	May 20, 2015
Existing and Proposed Map Designations:	See below

Tax Lot	Address	Current Plan, Zoning, and Overlay Designations	Proposed Plan, Zoning, and Overlay Designations
36-5-21-CC-4600	1550 Carnahan Dr.	MR/ R-2/ (no overlay)	HR/ (R-2)/ R-3-2 overlay
36-5-21-CD-1900	1935 Rogue River Hwy.	North half: GC/ GC/ (no overlay) South half: LR/ R-1-10/ (no overlay)	North half: no change South half: GC/ (R-1-10)/ GC-1 overlay
36-6-13-AC-1800	2064 Upper River Rd.	North portion: LR/ R-1-8/ (no overlay) Remainder: GC/ GC/ (no overlay)	North portion: GC/ (R-1-8)/ GC-1 overlay Remainder: no change
36-6-13-AD-2400	2028 SW 'G' St.	SE portion: MR/ GC/ R-2 overlay Remainder: MR/ R-1-8/ R-2 overlay	SE portion: GC/ (GC)/ no overlay Remainder: no change

I. PROPOSAL:

Minor map corrections to the Comprehensive Plan Map and Zoning Transition Overlay District Map amendments adopted in December 2014. **See Exhibit 1 to Planning Commission Staff Report.**

II. AUTHORITY AND CRITERIA:

The Comprehensive Plan and 1998 Intergovernmental Agreement authorize the Planning Commission to consider the request for the Comprehensive Plan map amendments and make a recommendation to the City Council, and authorize the City Council to make the final decision. The Comprehensive Plan map may be amended provided the criteria in Section 13.5.4 of the Comprehensive Plan are met.

Section 2.020, Schedule 2-1, and Section 2.063 of the City of Grants Pass Development Code (Code), authorize the Planning Commission to consider the request for the Zoning Transition Overlay District map amendments and make a recommendation to the City Council. Section 2.066 authorizes the City Council to make the final decision. The Zoning Map may be amended provided the Criteria in Section 4.033 of the Code are met.

III. APPEAL PROCEDURE:

Section 10.060 provides for the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the date the notice of City Council's written decision is provided.

IV. PROCEDURE:

- A. The application was received on March 4, 2015 and deemed complete on March 13, 2015. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the public hearings was sent to the Oregon Department of Land Conservation and Development on March 20, 2015 in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Notice of the proposed amendment and the public hearings was sent to Josephine County on March 20, 2015 in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment and the public hearings was sent to the Oregon Department of Transportation and Josephine County Public Works on March 20, 2015.
- E. Notice of the proposed amendment and the May 13, 2015 public hearing was mailed on April 22, 2015.
- F. Public notice of the proposed amendment and the May 13, 2015 public hearing was published in the newspaper on May 6, 2015 in accordance with Sections 2.053 and 2.063 of the Development Code.
- G. The Planning Commission held a public hearing on May 13, 2015 to consider the proposal and make a recommendation to the City Council.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report and its exhibits attached as Exhibit "A" and incorporated herein.
 - 1. Project Narrative and Map of Proposed Amendments
 - 2. Information about the Zoning Transition Overlay District

- B. The minutes of the public hearing held by the Urban Area Planning Commission on May 13, 2015, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation provided by staff at the May 13, 2015 public hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

In December 2014, as part of the urban growth management planning, the city adopted numerous efficiency measures, including amendments to the comprehensive plan map and designation of a zoning transition overlay district, which affected approximately 450 acres. Some properties that had existing split map designations were not correctly addressed in the map amendments, and one property was inadvertently omitted, leaving it as an unintended, isolated spot-zoned property. The proposed amendments would correct the maps to reflect the designations that should have originally occurred. The total for all properties includes approximately 1.34 acres. ***Exhibit 2 to the Planning Commission Staff Report*** provides additional information about the Zoning Transition Overlay District.

VII. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA:

For comprehensive plan map amendments, the applicable criteria are provided in Section 13.5.4 of the Comprehensive Plan.

CRITERION (a): consistency with other findings, goals and policies in the Comprehensive Plan.

Response: Satisfied. Consistent with the findings for the map amendments adopted in December 2014, these proposed map corrections are consistent with other findings, goals, and policies in the Comprehensive Plan. These corrections are consistent with the land use patterns adopted at that time, they total 1.34 acres, and they don't reflect a change in findings, goals or policies.

CRITERION (b): A change in circumstances, validated by and supported by the data base or proposed changes to the data base, which would necessitate a change in findings, goals and policies.

Response: Satisfied. Consistent with the findings for the map amendments adopted in December 2014, these proposed map corrections are validated by and supported by the changes to the database which necessitated the amendments. The update to the land needs documents reflected the map amendments, and these minor corrections are consistent with the identified change in circumstances and associated changes to the database.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

Response: Satisfied. Consistent with the findings for the map amendments adopted in December 2014, these proposed minor map corrections are consistent with applicable planning goals and guidelines of the State of Oregon.

CRITERION (d): Citizen review and comment.

Response: Satisfied. The major policy issues and considerations for the map amendments adopted in 2014 were considered through an extensive public process, and the public hearing process for the currently proposed minor map corrections also provides opportunity for citizen review and comment. In addition, letters with information about the proposed corrections were mailed to owners of the affected properties in advance of the formal public hearing notice.

CRITERION (e): Review and comment from affected governmental units and other agencies.

Response: Satisfied. Notice of the proposal was provided to affected governmental units and other agencies for review and comment.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

Response: Satisfied. The urban growth management planning was conducted based on the map amendments. The timing of the maps amendments provides for updates to public facilities master plans to account for these amendments together with the additional planned growth areas. The proposed map corrections are a minor adjustment to the more extensive map amendments adopted in December 2014.

CRITERION (g): Additional information as required by the review body.

Response: Satisfied. The Planning Commission had sufficient information to make a recommendation.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan as originally adopted was in error.

Response: Satisfied. One of the original amendments in December 2014 inadvertently changed the map designation for an entire parcel which previously had a split map designation. A portion of that property should have retained part of its original designation, and the proposed amendment corrects that error. For the other parcels, the errors in the 2014 amendments were of omission, where the designations for the split-zoned portions of properties should have been changed consistent with the surrounding map designations, but were inadvertently omitted.

For zoning map amendments, the criteria are provided in Section 4.033 of the Development Code. There are no additional special criteria for amendments to the Zoning Transition Overlay District.

CRITERION 1: The proposed use, if any is consistent with the proposed Zoning District.

Response: Satisfied/Not Applicable. No specific use and development is proposed at this time in conjunction with the proposal for map amendments.

CRITERION 2: The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.

Response: Satisfied. The proposed zoning amendments are consistent with existing Comprehensive Plan land use map designations, or the proposal includes concurrent Comprehensive Plan map amendments, and the proposed zoning is consistent with the proposed Comprehensive Plan map amendments. The two-step approach to phase in implementation of the Zoning Transition Overlay District provides for consistency between the comprehensive plan map, base zoning map, and overlay zone map designations.

CRITERION 3: A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impacts upon the affected service area or without a change to adopted utility plans.

Response: Satisfied. The proposed amendments include a two-phase approach that provides for continued use under current zoning, with additional use and intensity subject to additional analysis if more intensive use is proposed in accordance with the new overlay zoning while the master plans are updated. The final zoning amendment will be effective upon adoption of the updated transportation plan, allowing the future land use to be modeled and planned for.

CRITERION 4: A demonstration that the proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

Response: Satisfied. The proposed amendments include a two-phase approach that provides for continued use under current zoning, with additional use and intensity subject to additional analysis if more intensive use is proposed in accordance with the new overlay zoning while the master plans are updated. The final zoning amendment will be effective upon adoption of the updated transportation plan, allowing the future land use to be modeled and planned for.

CRITERION 5: The natural features of the site are conducive to the proposed Zoning District.

Response: Satisfied. The properties are relatively flat with gentle slope, conducive to the proposed designations.

CRITERION 6: The proposed zone is consistent with the requirements of all overlay districts that include the subject property.

Response: Satisfied. The properties are not located within the flood hazard, historic district, or medical overlay zones. The proposal would amend the designations of the Zoning Transitions Overlay District consistent with the Comprehensive Plan map designations. The properties can be developed in accordance with the standards of the overlay district.

CRITERION 7: The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

Response: Satisfied. These are not changes from rural to urban zoning, but rather, changes from one urban zoning district to another, which are served or can be

served with urban services. The timing allows for the public facilities plans updates to model and address, as needed, future land use based on the overlay zone changes. The changes have the effect of providing for efficient utilization of buildable lands within the UGB that reduces the extent for greater UGB expansion that would require further urban service extensions. Other lands in similar zoning districts can also be utilized with efficient provision of urban services.

VIII. RECOMMENDATION:

The Urban Area Planning Commission recommends that the City Council **APPROVE** the proposed amendments to the Comprehensive Plan map and Zoning Transition Overlay map as presented.

The vote was 7-0-0 with Commissioners Fitzgerald, Coulter, MacMillan, Arthur, McIntire, Kellenbeck, and McVay in favor. There is one vacancy on the Commission.

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 20th day of May, 2015.

Gerard Fitzgerald, Chair

NOTE: *The application is not subject to the 120 day requirement per ORS 227.178.*

**CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**HEFLEY STREET PARTITION
& MAJOR VARIANCE
STAFF REPORT**

Procedure Type:	Type III: Planning Commission
Project Number:	15-10300003 & 15-30100004
Project Type:	Land Partition & Major Variance
Owner:	Mitchell & Loraine Arnold
Applicant:	Same
Surveyor:	Peter Allen Surveying
Property Address:	1011 NE Hefley Street
Map and Tax Lot:	36-05-21-BB, TL 1010 (See Exhibit 1 & 2)
Zoning:	R-1-8 (City Limits)
Size:	1.26 acres
Planner Assigned:	Justin Gindlesperger
Application Received:	April 23, 2015
Date Complete:	April 23, 2015
Date of Report:	May 20, 2015 Due Date: 05/20/2015
Hearing Date:	May 27, 2015
120 Day Deadline:	August 21, 2015

I. PROPOSAL:

The application is a request to partition Tax Lot 1900, located at 1011 NE Hefley Street into two parcels. The property is in the R-1-8 residential zoning district and is currently undeveloped. The application includes a request for a Major Variance to the minimum lot width for the zoning district. Parcel 1 is proposed to have a width of 60-feet where 65-feet is required. The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size (**See Exhibit 3**).

II. AUTHORITY & CRITERIA:

Section 2.050, Schedule 2-1, Section 6.050 and Section 17.031, of the City of Grants Pass Development Code, authorize the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in Sections 6.060 and 17.312 of the *Development Code*.

III. APPEAL PROCEDURE:

Section 10.050, *City of Grants Pass Development Code*, provides for an appeal of the Urban Area Planning Commission's decision to the City Council. An appeal application and fee must be filed within 12 calendar days from the date of the Urban Area Planning Commission's oral decision. A statement of grounds to the appeal must be filed within 7 calendar days of the Urban Area Planning Commission's written decision.

IV. BACKGROUND AND DISCUSSION:

A. Characteristics of the Property:

1. Land Use Designation:
 - a. Comprehensive Plan: Low-Density Residential
 - b. Zone District: R-1-8
 - c. Special Purpose District: Grants Pass Irrigation District
2. Size: 1.26 acres
3. Frontage: NE Hefley Street
4. Access: NE Hefley Street
5. Public Utilities:
 - a. Existing Utilities:
 - i. Water: 6-inch main in NE Hefley Street;
 - ii. Sewer: 8-inch main in NE Hefley Street;
 - iii. Storm Drain: None identified.
 - b. Proposed Utilities: None identified
6. Topography: Relatively flat to moderately sloped
7. Natural Hazards: None identified
8. Natural Resources: None identified
9. Existing Land Use:
 - a. Subject Parcel: Vacant
 - b. Surrounding: Low Density Residential

B. Background:

The application is a request to partition Tax Lot 1900, located at 1011 NE Hefley Street into two parcels. The existing lot lines for the Tax Lot 1900 were configured as part of a property line adjustment in 2008, recorded as Partition Plat 2008-48. The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size.

The application includes a request for a Major Variance to the minimum lot width required in the R-1-8 zoning district. Parcel 1 is proposed to have a width of 60-feet where 65-feet is required. Minimum lot size of 7,000 square feet will be maintained. Development of the individual parcels will require plans demonstrating new structures comply with the remaining minimum lot requirements, consistent with Section 12.152 and Schedule 12-5 of the Development Code.

The proposed parcels have frontage and are accessed along NE Hefley Street, a public right-of-way. At the time of development, a new driveway approach shall be installed in accordance with Grants Pass Standard Drawing 104-A. NE Hefley Street is a substandard urban street due to lack of improvements, including sidewalks that conform to current standards. Additional right-of-way dedication will be required along Hefley Street for the installation of sidewalks for both parcels.

Public utilities are located in the right-of-way for NE Hefley Street. Separate water and sewer services are required for separate tax lots. Private water and sewer laterals are not permitted to cross property lines. Prior to development for Parcel 1, the existing 4-inch sewer tap shall be repaired. Gravity sewer service is not possible for future development on Parcel 2. The use of a private sewage grinder pump is acceptable for single-family development, provided the pressurized discharge does not directly enter the public gravity sewer main.

The property is located within the Grants Pass Irrigation District (GPID). The property owner will be required to recalculate the rates for both properties, or buy out of the GPID. The owner will also be required to provide a 5-foot irrigation easement along the south property line of Parcel 2 and the west property line of both parcels.

One (1) letter commenting on the proposal was received in the comment period from an adjacent neighbor with concerns regarding the configuration of the partition and access to Parcel 2 (see **Exhibit 4**). The comment letter suggested relocating the proposed flag pole to the west of Parcel 1 due to the close proximity of a future access for Parcel 2 to tax lot 2000 to the east. An access along the west side of the subject parcel would impact more properties. As noted above, GPID has requested easements along that property line and an access may impact their facilities.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

A. Major Variance Criteria – Section 6.060

Previously granted variances shall not be considered to have established a precedent. The review body shall approve, approve with conditions, or deny the application. No variance shall be granted unless the review body finds that all of the applicable criteria under (A) and (B) have been satisfied.

- (A) Qualifying Condition. The applicant shall demonstrate that the following elements are present to qualify for a variance.

CRITERION (1): Unique Physical Constraint or Characteristic. The applicant has clearly described the nature of a unique physical constraint or characteristic of the property to which the variance application is related. The constraint is related to the particular property for which the variance is sought, regardless of the owner, and it does not relate to other property or personal conditions of the owner or applicant, such as personal financial circumstances or inconvenience. Either:

- (a) The property has unique physical constraints or characteristics peculiar to the land involved, over which the applicant has no control, such as lot size or shape, topography, natural features, or other physical conditions on the site or in the immediate vicinity, which are not typical of other lands in the same zoning district subject to the same regulation; or

- (b) The property has existing development, conforming or nonconforming, located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.

Staff Response: Satisfied. The variance request complies with subparagraph (a) above. The current lot configuration was established as part of Partition Plat 2008-48. The subject property is oversized and uniquely shaped that makes this property difficult to further divide. The variance to the minimum required lot width in the R-1-8 zoning district will allow flexibility of the property and provide additional development that integrates into the surrounding development.

CRITERION (2): Self-Created Constraint. If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:

- (a) A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and
- (b) At the time the current owner altered or acquired the property, he could have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.

Staff Response: Satisfied. The variance request complies with subparagraph (a) above. The current lot configuration was established as part of Partition Plat 2008-48 under different ownership. The variance to the minimum required lot width in the R-1-8 zoning district will allow flexibility of the property and provide additional development that integrates into the surrounding development.

CRITERION (3): Need for Variance. The applicant has demonstrated that a variance is necessary to overcome at least one of the following situations:

- (a) Allow Reasonable Use of an Existing Property. Due to the unique physical constraint or characteristic of an existing lot or parcel, strict application of the provisions of the Development Code would create a hardship by depriving the owner of the rights commonly enjoyed by other properties in the same zoning district subject to the same regulation. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation.
- (b) Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical

constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.

- (c) Allow Flexibility for Expansion of Existing Development. The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.

Staff Response: Satisfied. The variance is necessary to overcome the conditions described under sub criterion (a) & (b) above. The subject property is oversized and uniquely shaped that makes this property difficult to further divide. The variance to the minimum required lot width in the R-1-8 zoning district will allow flexibility of the property and provide additional development that integrates into the surrounding development.

CRITERION (4): No Other Reasonable Alternative. Reasonable alternatives to comply with the provisions of the Development Code have been exhausted. No reasonable alternatives have been identified that would accomplish the same purpose in accordance with the Code without the need for a variance. If applicable, the applicant shall, at a minimum, demonstrate that the following are not reasonable alternatives instead of the requested variance:

- a. Lot line adjustment.
- b. Modified setback option, pursuant to Section 22.200.
- c. Alternate solar standards, pursuant to Section 22.623.

Staff Response: Not applicable. The above alternatives are not viable solutions for a request to reduce the minimum lot width requirement. A lot line adjustment, modified setback option or alternate solar standard are not applicable to helping alleviate the need for the variance.

- (B) **Result of Relief.** If the review body finds the proposal for a variance based on the criteria in Subsection (A) above, the review body shall only approve the proposal if it finds the specific proposal is consistent with the following criteria.

CRITERION (5): Best Alternative. When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.

Staff Response: Satisfied. Approval of the variance will not be detrimental to the Comprehensive Plan or Development Code and will have the least impact to other properties. The best alternative is to approve the variance and partition as proposed.

CRITERION (6): Minimum Deviation. Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Subsection (3). The deviation from standards shall be the minimum necessary to accomplish the purpose, and shall not convey a special right to the property that is not available to properties in the same zoning district subject to the same regulation.

Staff Response: Satisfied with conditions. The proposed narrowed width of 60-feet has been set as close to the required 65-feet as possible, while maintaining the 20-foot flag pole minimum width for Parcel 2. No special right or benefit will be provided to the applicant other than allowing him to develop individual homes on the lots, as originally intended. As conditioned below, the applicant is required to provide a plan that illustrates future development on the parcels will comply with the remaining lot requirements in Section 12.152 and Schedule 12-5.

CRITERION (7): No Hazard. The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard, and shall not obstruct pedestrian or vehicular movement or impede emergency access.

Staff Response: Satisfied with conditions. The proposed variance request will not pose a safety hazard. NE Hefley Street is a substandard urban street due to lack of improvements, including sidewalks that conform to current standards. Additional right-of-way dedication will be required along Hefley Street for the installation of sidewalks for both parcels.

CRITERION (8): Plan and Ordinance Consistency. The proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Development Code; other applicable plans, policies, or standards; or other properties in the same district or vicinity.

Staff Response: Satisfied. The requested variance will not adversely affect the implementation of the Comprehensive Plan nor will it be materially detrimental or injurious to the purposes of the Comprehensive Plan or the Development Code.

CRITERION (9): Mitigate Adverse Impacts. Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in Subsection (1) was self-created, adverse impacts may be grounds for denial.

Staff Response: Satisfied. As previously noted, there are no adverse impacts foreseen by allowing the requested variance to the minimum lot widths in the R-1-8 zoning district.

CRITERION (10): No Significant Increase in Residential Density. For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a

significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less.

Staff Response: Satisfied with conditions. The variance request does not apply to the residential density of the property. The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size. Parcel 1 cannot be further partitioned and the maximum development potential for Parcel 1 will be completed with the construction of a single-family residence.

The size of Parcel 2 enables future partition. As conditioned below, the applicant shall submit a future development plan for Parcel 2, in accordance with Section 17.540.

CRITERION (11): Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is to any of the following standards:

- (a) A street, access, or utility development standard in Article 27 or 28 of the Code.
- (b) The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.
- (c) To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized.

Staff Response: Not applicable. The variance request does not pertain to street access or utility development.

CRITERION (12): Additional Criteria. Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(14) Street Section Design Standards.

Staff Response: Not applicable. Section 27.121(11)(h)(4), 27.122(5) and 27.123(14) are not applicable to the variance request to the minimum lot width requirement.

B. Partition Criteria – Section 17.312

CRITERION (1): The plan conforms to the lot dimension standards of Article 12, the base lot standards of Section 17.510, and the requirements of any applicable overlay district.

Staff Response: Satisfied with conditions. The proposed configuration reduces the width of Parcel 1 to less than the minimum width required for the R-1-8 zoning district. Upon approval of the variance request, the parcel width will be allowed to be less than the 65-foot requirement.

In accordance with the provisions in Section 17.510, the proposed parcels do not exceed the lot width to depth ratio. The proposed flag pole length does not exceed the length requirements of twice the length or width of the lot.

The proposal is not creating any through lots, the side property lines run at right angles to the street, and each parcel meets or exceeds the minimum twenty (20) feet of frontage on NE Hefley Street.

CRITERION (2): When required, the proposed future development plan allows the properties to be efficiently further developed, in accordance with requirements for typical permitted uses in the applicable zone and comprehensive plan district, and in conjunction with other development in the neighborhood.

Staff Response: Satisfied with conditions. The tentative plan identifies Parcel 1 as 11,173 sq. ft. and Parcel 2 as 43,780 sq. ft. in size. Parcel 1 cannot be further partitioned and the maximum development potential for Parcel 1 will be completed with the construction of a single-family residence.

The size of Parcel 2 enables future partition. As conditioned below, the applicant shall submit a future development plan for Parcel 2, in accordance with Section 17.540.

CRITERION (3): When one is required or proposed, the street layout conforms to the applicable requirements of the adopted street plans, meets the requirements of Article 27 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.

Staff Response: Satisfied with conditions. The proposal does not require a new street. Access for both parcels is on NE Hefley Street, a public right-of-way. As conditioned below, the applicant is required to dedicate five (5) feet of right-of-way and install sidewalks along the frontage of NE Hefley Street for both parcels.

CRITERION (4): The proposed utility plan conforms to the applicable requirements of adopted utility plans, the requirements of Article 28 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.

Staff Response: Satisfied with conditions. City utilities, including water and sewer, are located along NE Hefley Street. As conditioned below, each parcel will be required to have separate water and sewer laterals that do not cross property lines.

A City Utility Easement (CUE) is required along all street frontages. As conditioned below, the applicant is required to submit a revised tentative plan that reflects a ten (10) foot CUE along NE Hefley Street. If no CUE exists along NE Hefley Street, a new CUE shall be dedicated on the final plat.

CRITERION (5): The tentative plan allows for the preservation or establishment of natural features or the preservation of historic features of the property including:

- (a) Providing the necessary information to complete the tree chart identified in Section 11.041.

- (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes greater than 100%.
- (c) No fills may result in a retaining wall within the required setback from a property not included in the development plan greater than six (6) feet in height from the finish grade nor create any un-retained slopes greater than 100%.

Staff Response: Satisfied with conditions. The proposed parcels contain existing trees that have not been identified on the tentative plan. As conditioned below, the applicant is required to submit a canopy chart to show how the proposed development will maintain and/or re-establish tree canopy cover. The property is relatively flat to moderately sloped and will not require retaining walls or un-retained slopes.

CRITERION (6): The plan complies with applicable portions of the Comprehensive Plan, this Code, and state and federal laws.

Staff Response: Satisfied with conditions. Upon meeting the conditions of approval and recording of the partition plat, the proposal will be in compliance with the Comprehensive Plan, the Development Code and other applicable laws.

VI. RECOMMENDATION:

The Site Plan Review Committee has reviewed the proposal and recommends the Urban Area Planning Commission **APPROVE** the Variance and Partition with the following conditions.

Conditions of Approval:

Note: Within 18 months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions necessary for a development permit, obtain a development permit, fulfill all conditions of tentative plan approval necessary to file the final plat, and submit the final plat application, including the plat and all required documents.

The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan and that no other development approval would be affected. (Section 17.313)

- A. The following shall be accomplished upon completion of the above stated conditions, within 18 months of the date this report is signed, and prior to final plat approval:

1. Submit a revised tentative plan that shows all of the Submittal Requirements for the Tentative Partition Plan Approval as outlined in Section 17.311 on the Final Partition Plat, to include the following:
 - a) The location and size of all existing utilities. Private sewer and water lines shall not cross other tax lots as a result of the partition.
 - b) The location of all existing and proposed easements, including CUE and irrigation easements.
 - c) Five (5) foot right-of-way dedication along NE Hefley Street.
 - d) Five (5) foot wide sidewalk along NE Hefley Street.
2. Submit an existing tree canopy cover and tree protection plan, prepared by a Tree Professional, pursuant to Section 11.050 of the Development Code.
3. Submit a future development plan for Parcel 2, pursuant to Section 17.540 of the Development Code.

B. The following shall be accomplished upon completion of the above stated conditions, within 18 months of the date this report is signed, and prior to final plat approval:

1. A land division guarantee for TL 1900 issued by a title insurance company.
2. Note that separate water and sewer services are required for each tax lot at the time of building permit. Private services shall not cross other tax lots as a result of this partition.
3. Install RP backflow devices as "premises" protection on all (existing and proposed) water services.
4. Install a DC backflow device as "premises" protection on any separate irrigation service.
5. Addresses must be visible from the street and identified on the building.
6. Install a five (5) foot sidewalk along NE Hefley Street.
7. At least ten (10) feet of separation shall be required between private sewer laterals and public water services. The developer shall be responsible for repair of the existing 4-inch sewer tap fronting Parcel 1 prior to future development.
8. The developer shall be responsible for all costs related to the installation of water services on existing public mainlines by utility division crews. These costs shall also include the costs of all encroachment permits.
9. Pay all City bills due.

10. The applicant shall pay a tree deposit of \$500 per lot in the R-1-8 zoning district prior to final plat for future installation of trees, pursuant to Section 11.060(2) of the Development Code.

11. Submit a final plat in accordance with Section 17.320 of the *City of Grants Pass Development Code*. The partition must be surveyed by a professional land surveyor and submitted with appropriate fees. Include the following on the plat:

- a) A ten (10) foot wide city utility easement dedicated to the City of Grants Pass, adjacent to the NE Hefley Street right-of-way.
- b) Any easements pertaining to irrigation, drainage or private utilities as required on the tentative plan.

Note: After all signatures are obtained, the plat must be recorded with the Josephine County Recorder within 30 days. The applicant shall file one print of the recorded plat with the Community Development Department. Failure to do so will nullify plat approval.

VII. PLANNING COMMISSION ACTION:

A. Positive Action: Approve the request

- 1. as submitted.
- 2. with the conditions stated in the staff report.
- 3. with the conditions stated in the staff report as modified by the Planning Commission (list):

B. Negative Action: Deny the request for the following reasons (list):

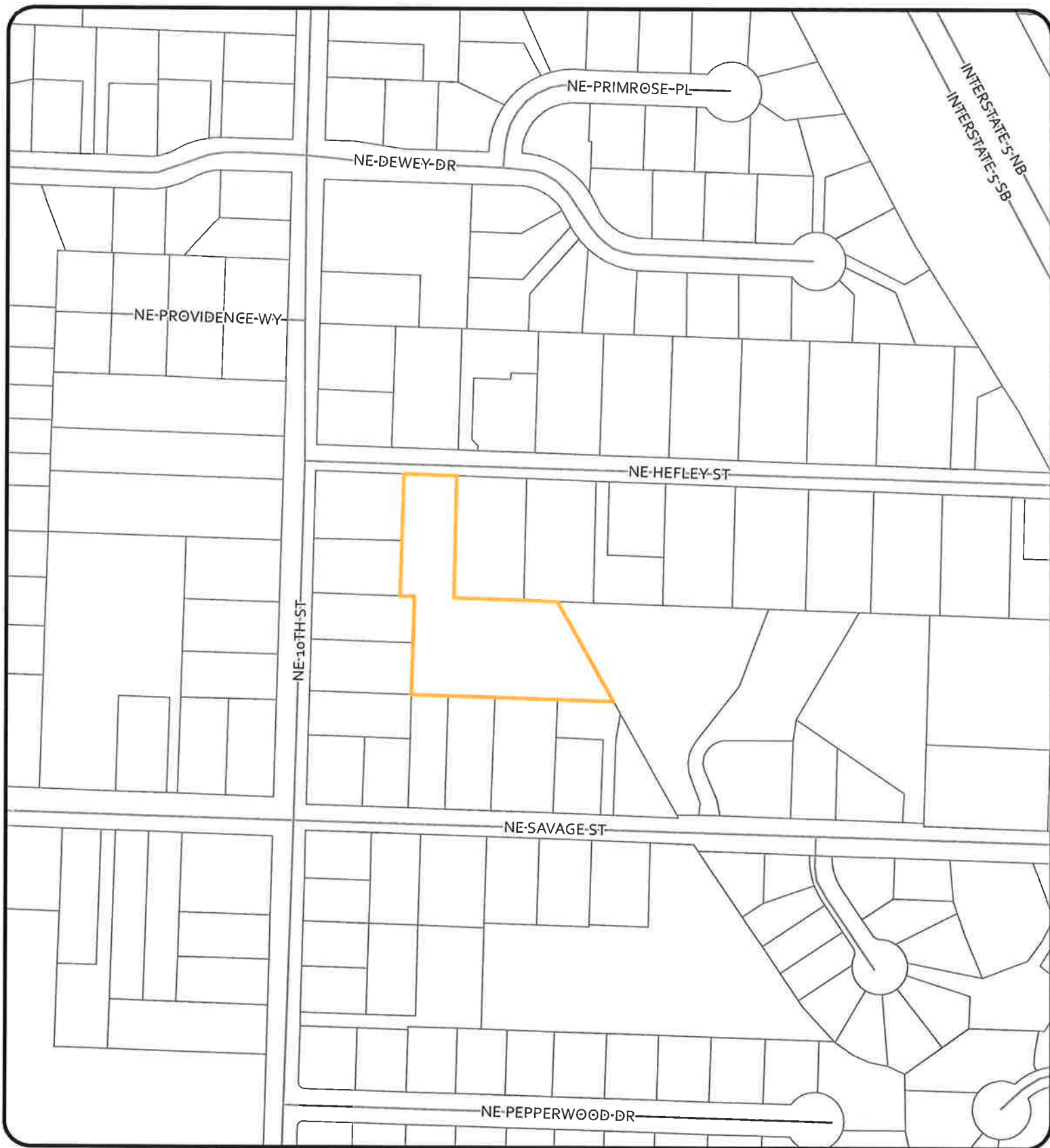
C. Postponement: Continue item

- 1. indefinitely
- 2. to a time certain.

Note: State law requires that a decision be made on the application within 120 days from the date the application was deemed complete.

VIII. INDEX TO EXHIBITS:

- 1. Location Map
- 2. Aerial Imagery
- 3. Tentative Plan
- 4. Public Comment



CITY OF GRANTS PASS

1011 NE Hefley Street
36-05-08-DA, TL 1900

0 37.5 75 150 225 300
Feet

Legend

 Subject Parcel

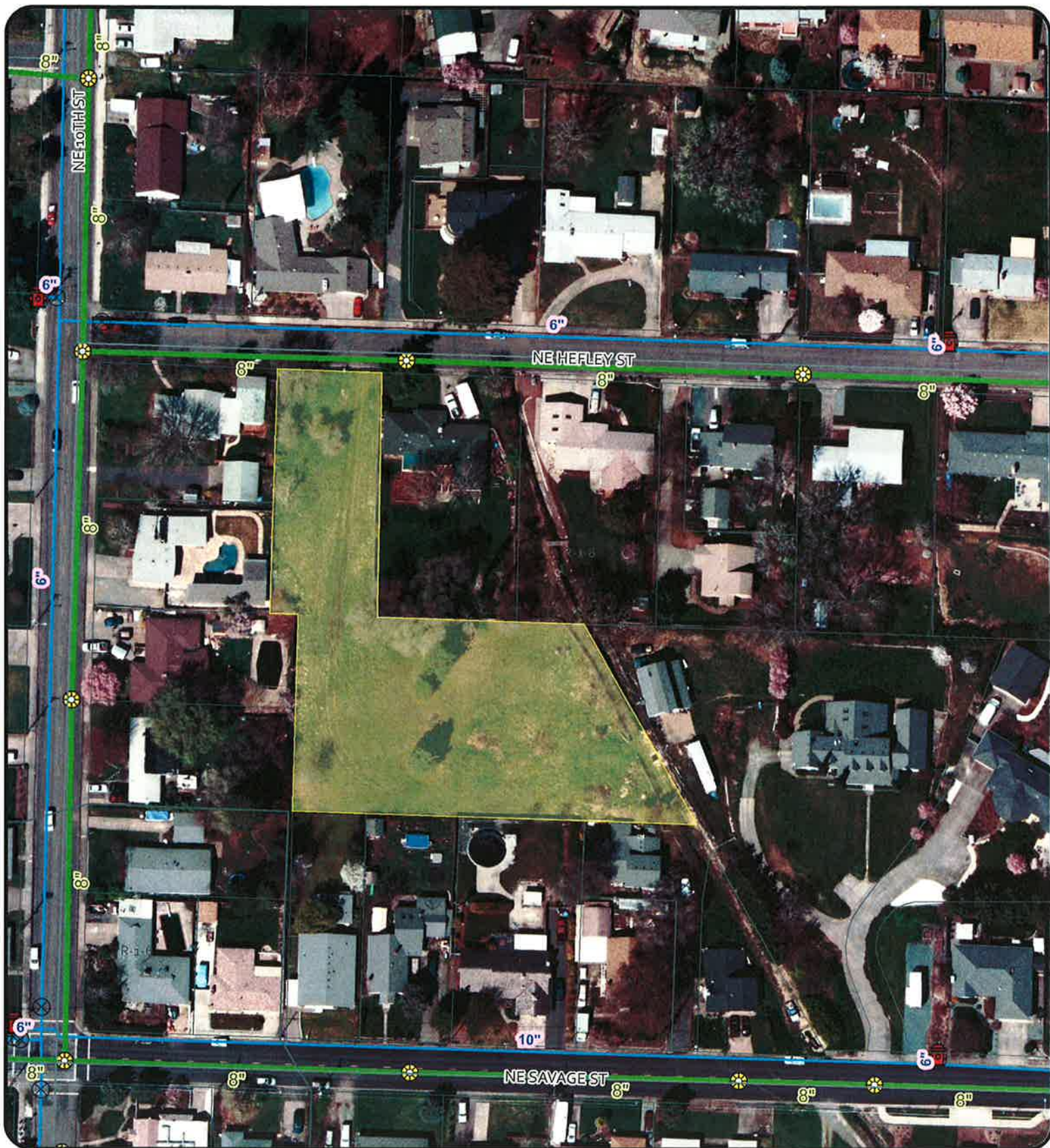
EXHIBIT 1



CITY OF GRANTS PASS
Parks & Community Development Dept.
101 Northwest "A" Street
Grants Pass, OR 97526
Phone: (541) 450-6060
Fax: (541) 476-9218
Web: www.grantspassoregon.gov

May 20, 2015





CITY OF GRANTS PASS

1011 NE Hefley Street
36-05-08-DA, TL 1900

0 15 30 60 90 120
Feet

Legend

Subject Parcel

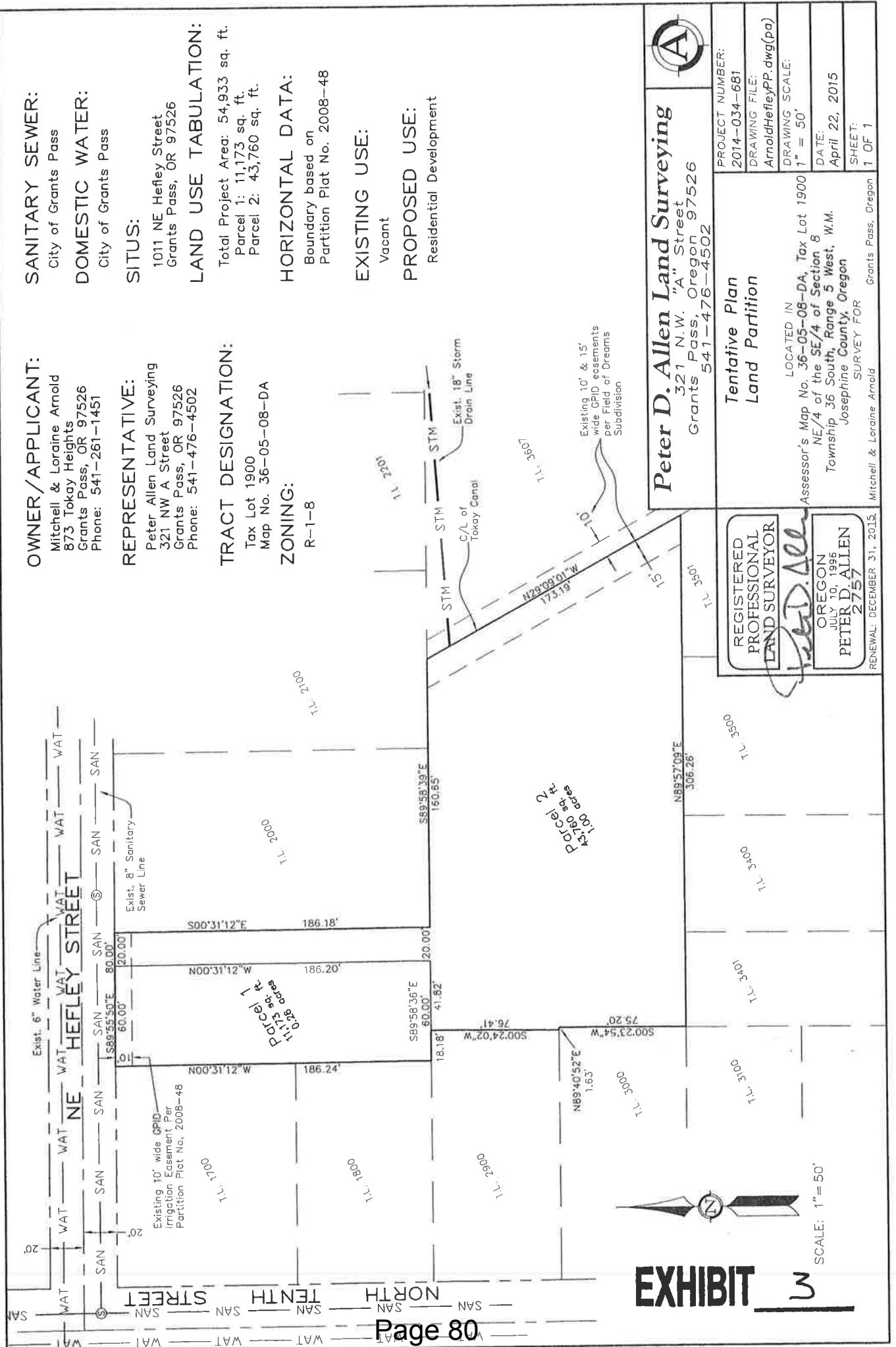
EXHIBIT 2



CITY OF GRANTS PASS
Parks & Community Development Dept.
101 Northwest "A" Street
Grants Pass, OR 97526
Phone: (541) 450-6060
Fax: (541) 476-9218
Web: www.grantspassoregon.gov

May 20, 2015





Justin Gindlesperger

From: Charles Dejanvier <engchuck21@gmail.com>
Sent: Tuesday, May 19, 2015 3:34 PM
To: Justin Gindlesperger; Lora Glover
Subject: Re: partition at 1011 NE Hefley Street

Justin, thanks for the information. I presume the flag pole shown is the location of the driveway for the back lot. It would be better to be located on the western edge of the property to keep some separation between the cars and the homes. The house on the east side has a side yard adjacent to the development so the noise from cars would be close to the house. If the flag was located on the west side the lot then the traffic would be adjacent to the rear yard set backs and thus farther from the house.

This neighborhood has recently formed a neighborhood watch, will this application be forwarded to this committee for review?

On Mon, May 11, 2015 at 4:33 PM, Justin Gindlesperger <jgindlesperger@grantspassoregon.gov> wrote:

Mr. Dejanvier-

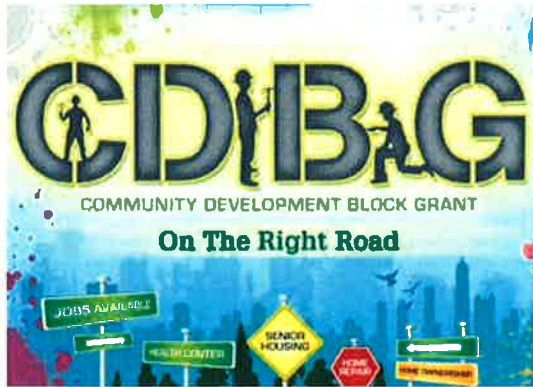
I've attached a copy of the proposed partition. The applicant is proposing splitting the existing property into two separate lots, Parcel 1 and Parcel 2. The sizes are depicted on the site plan.

The partition does not include a development plan, so the City is only reviewing the split and the applicable Code sections. The plans do not show locations of driveways, etc..

Should the applicant choose to develop the parcels in the future, the development proposals would be subject to City requirements.

The properties are located in the R-1-8 zoning district. Minimum lot size is 7,000 square feet for single-family residences. As shown, Parcel 2 is approximately 1 acre. There is the potential to further subdivide the Parcel into 6 additional lots. A future lot split is required to provide street frontage to a public or private street, and utility laterals are not permitted to cross property lines. If Parcel 2 is split in the future, it would most likely require a street and utility main extensions to provide adequate services and comply with Code provisions.

From: Charles Dejanvier [mailto:engchuck21@gmail.com]
Sent: Monday, May 11, 2015 1:22 PM
To: Justin Gindlesperger
Subject: Fwd: partition at 1011 NE Hefley Street



Seeking Community Involvement

The City of Grants Pass, as the primary city of a new metropolitan statistical area, has been asked to participate in the Community Development Block Grant (CDBG) program as administered by the United States Department of Housing and Urban Development (HUD). The over-arching goal of the CDBG program is to develop viable urban communities by providing decent housing and a suitable living

environment and expanding economic opportunities, especially for low- and moderate income persons. At least 70% of the City's CDBG expenditures must be for activities that directly benefit members of our community that are considered to be low- to moderate income. The CDBG program will provide HUD funds directly to the City that can be utilized to implement projects that achieve one of the following objectives: benefit low and moderate income persons, prevent/eliminate blight, or meet other urgent community needs that pose serious and immediate threat to health, safety or welfare.

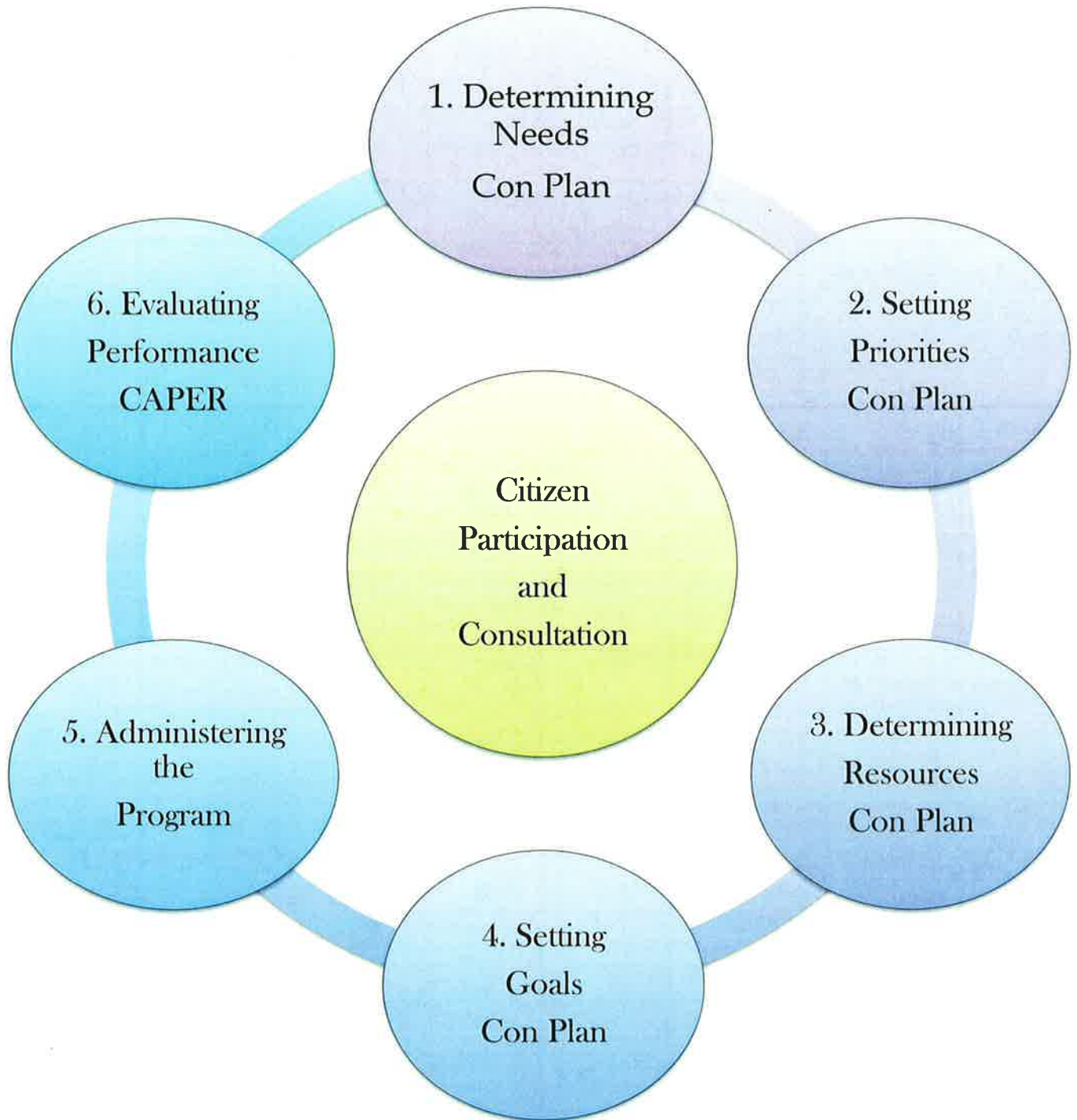
The City Council and staff are working on a public participation process to identify the critical affordable housing, community development, and homeless needs that might be addressed by the City's CDBG program. To that end, city staff has met twice with interested service providers, community leaders, and advocacy groups who work with at-risk members of our community. As valuable as their input is, the City's CDBG program will be more successful with a wider community input.

HUD estimates the City will receive approximately \$275,000 in CDBG funds to be used for local projects between October 2015 and September 2016. What other critical community needs can be addressed with the available funds? Are there any larger issues that might be addressed during a five-year strategic planning period? Upcoming information regarding the CDBG progress and comment deadlines will be available on the City website. Please contact the City at 541-450-6000 with your comments or send a comment to 101 NW 'A' Street, Grants Pass, 97526 or email at slindberg@grantspassoregon.gov.

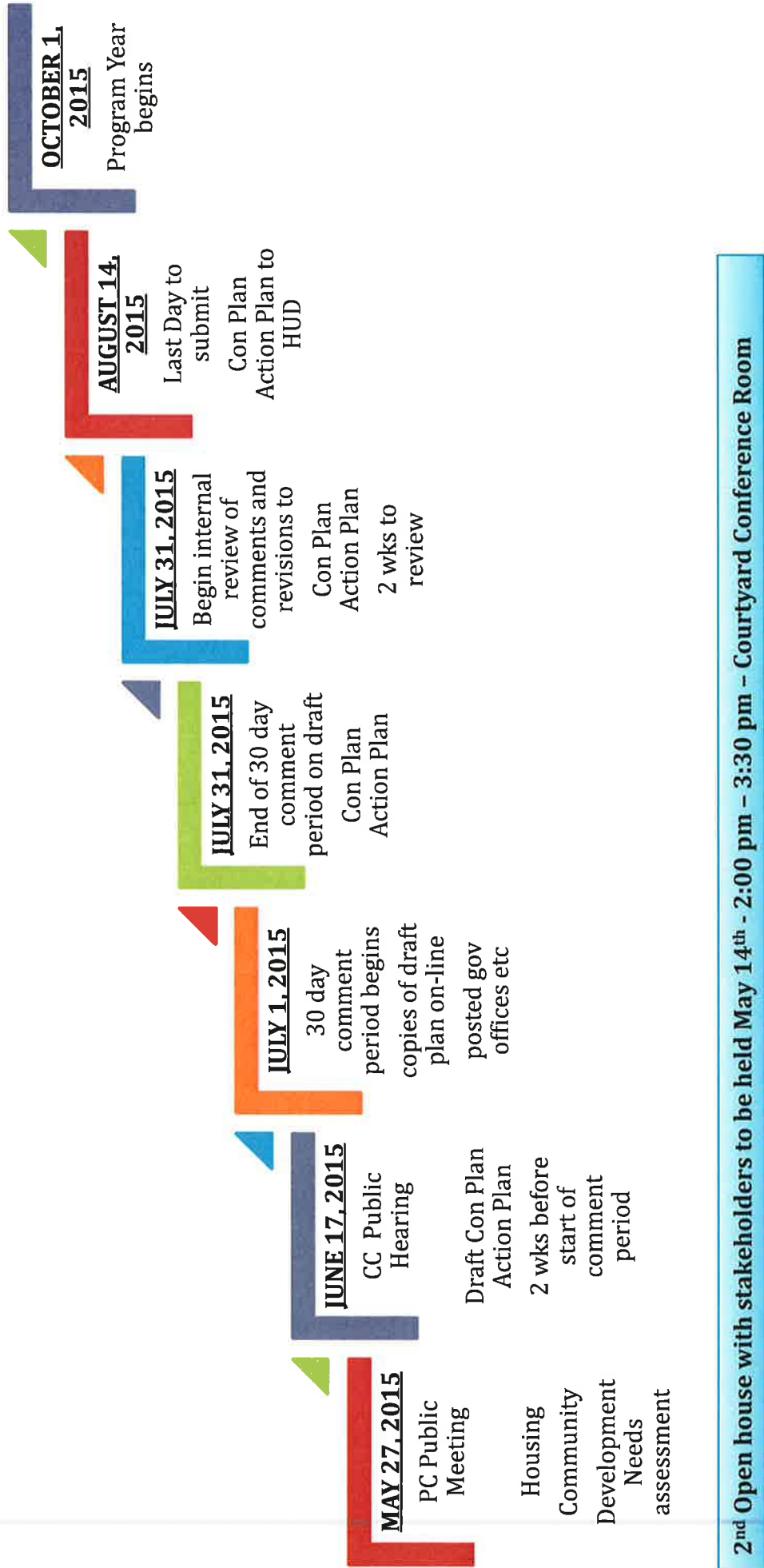
PUBLIC AND CITIZEN ACTIONS CREATING CONSOLIDATE PLAN



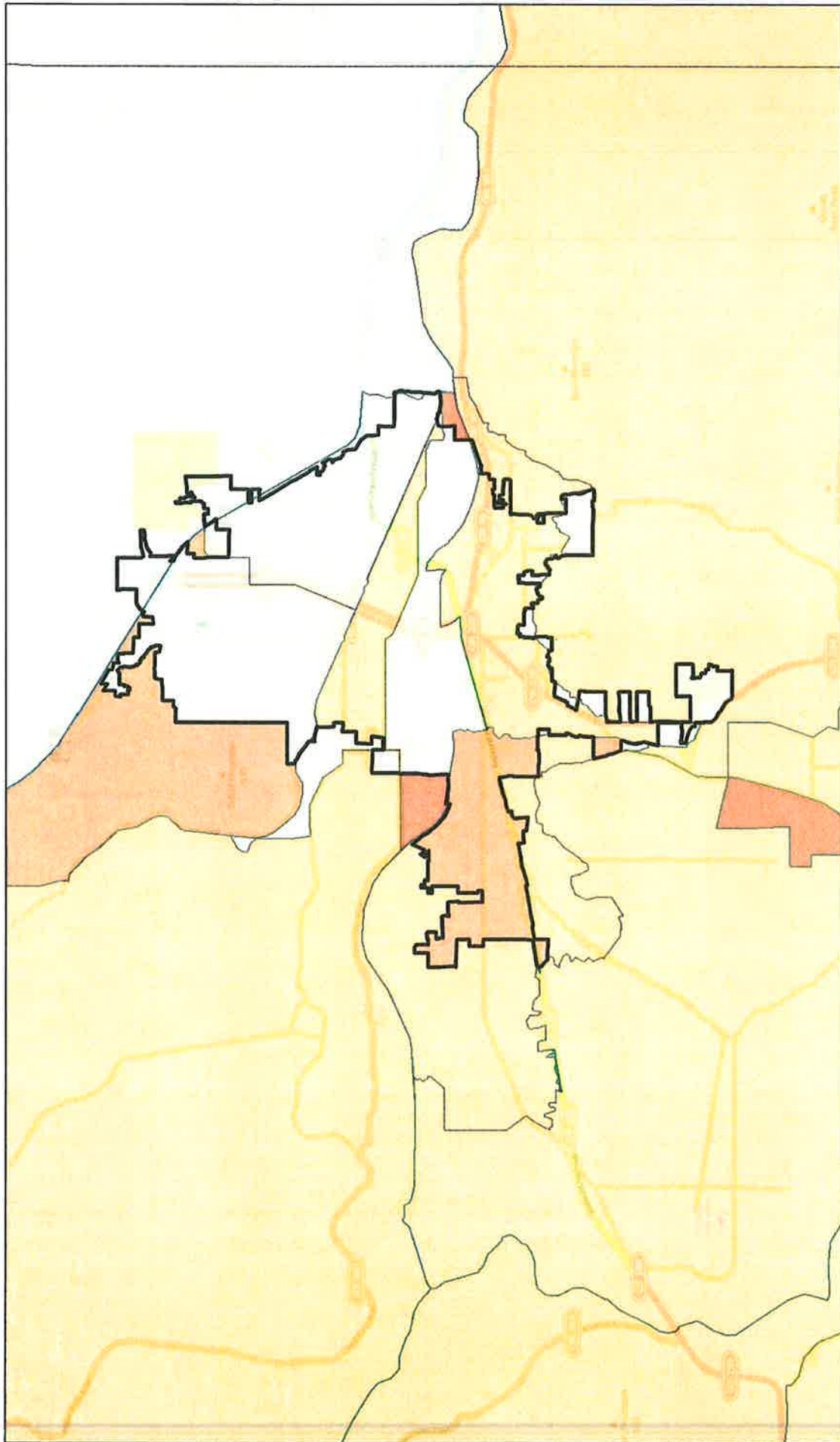
CONSOLIDATED PLANNING PROCESS



CDBG TIMELINE



City of Grants Pass - Percentage Owner Units Affordable to 80% HAMFI

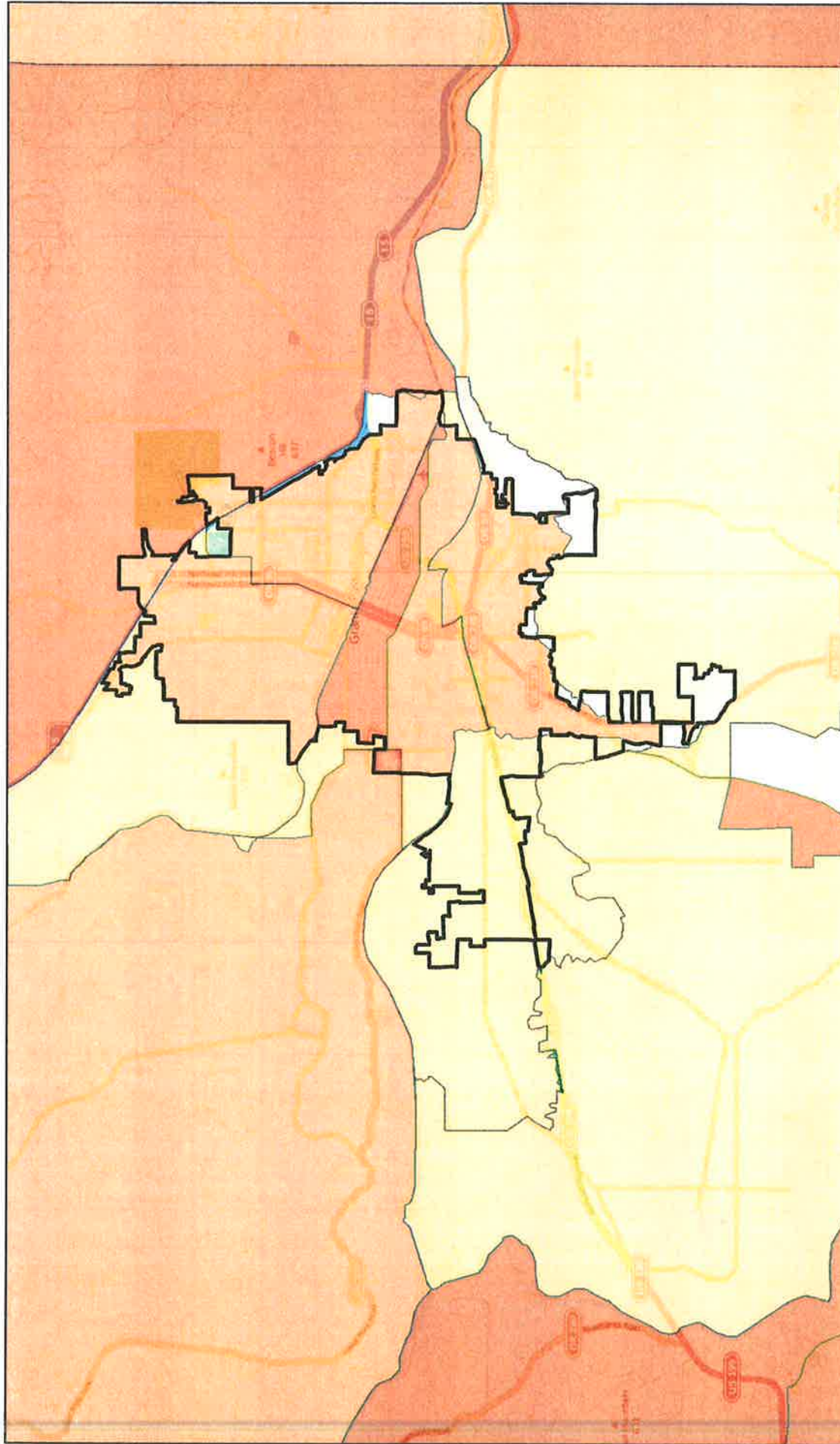


May 7, 2015

Override 1 OwnerUnitsTo80PercentHAMFI
AFF_AVAIL_80_O_PCT
☐ <5.28%
☐ 5.28-13.46%
☐ 13.46-25%
☐ 25-46.67%

1:103,664
 0 0.75 1.5 3 mi
 0 1.25 2.5 5 km

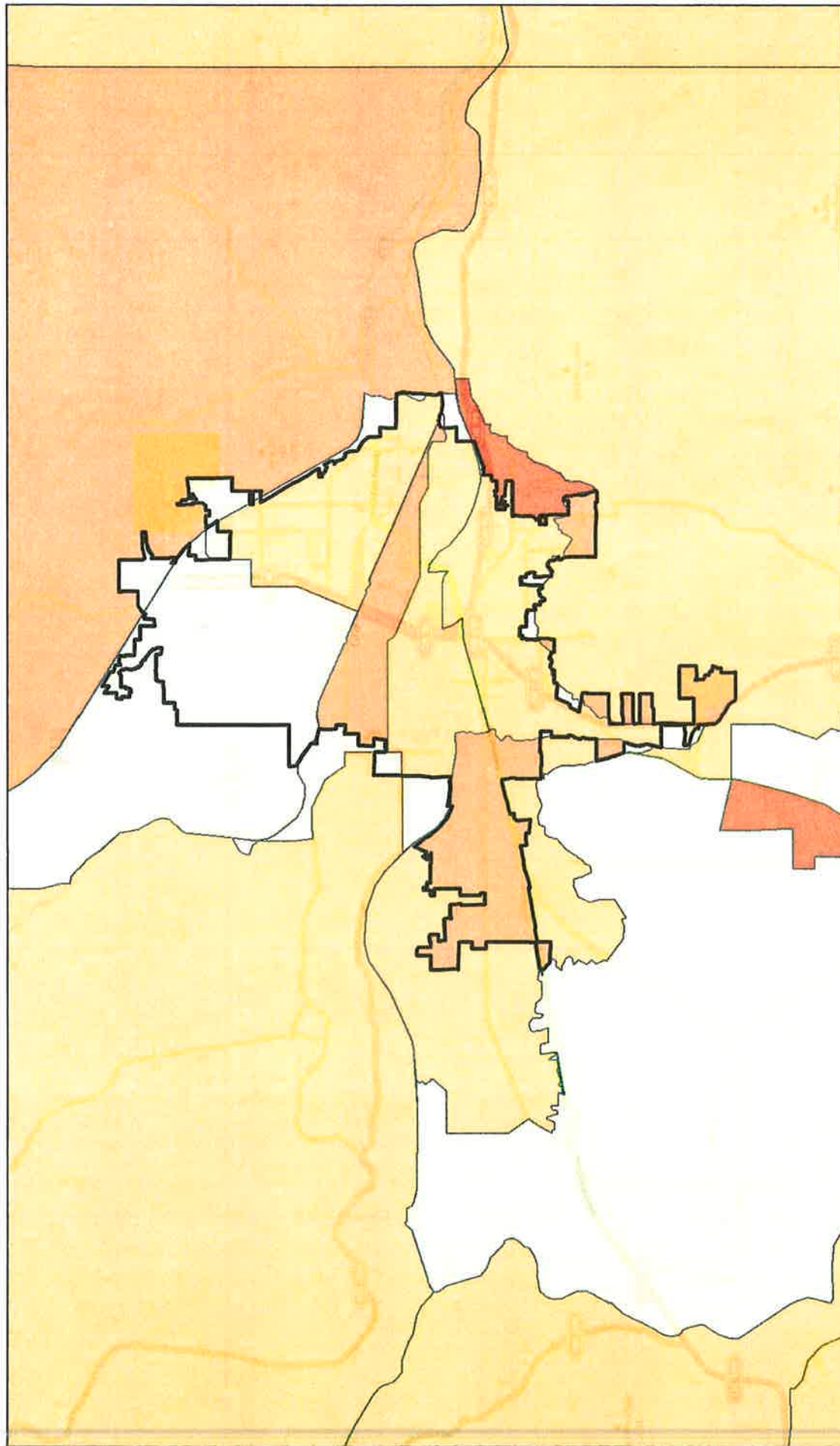
City of Grants Pass - Percentage Rental Units Affordable to 80% HAMFI



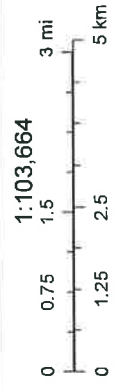
May 7, 2015



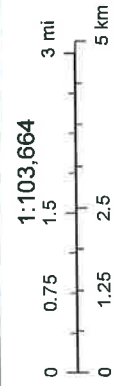
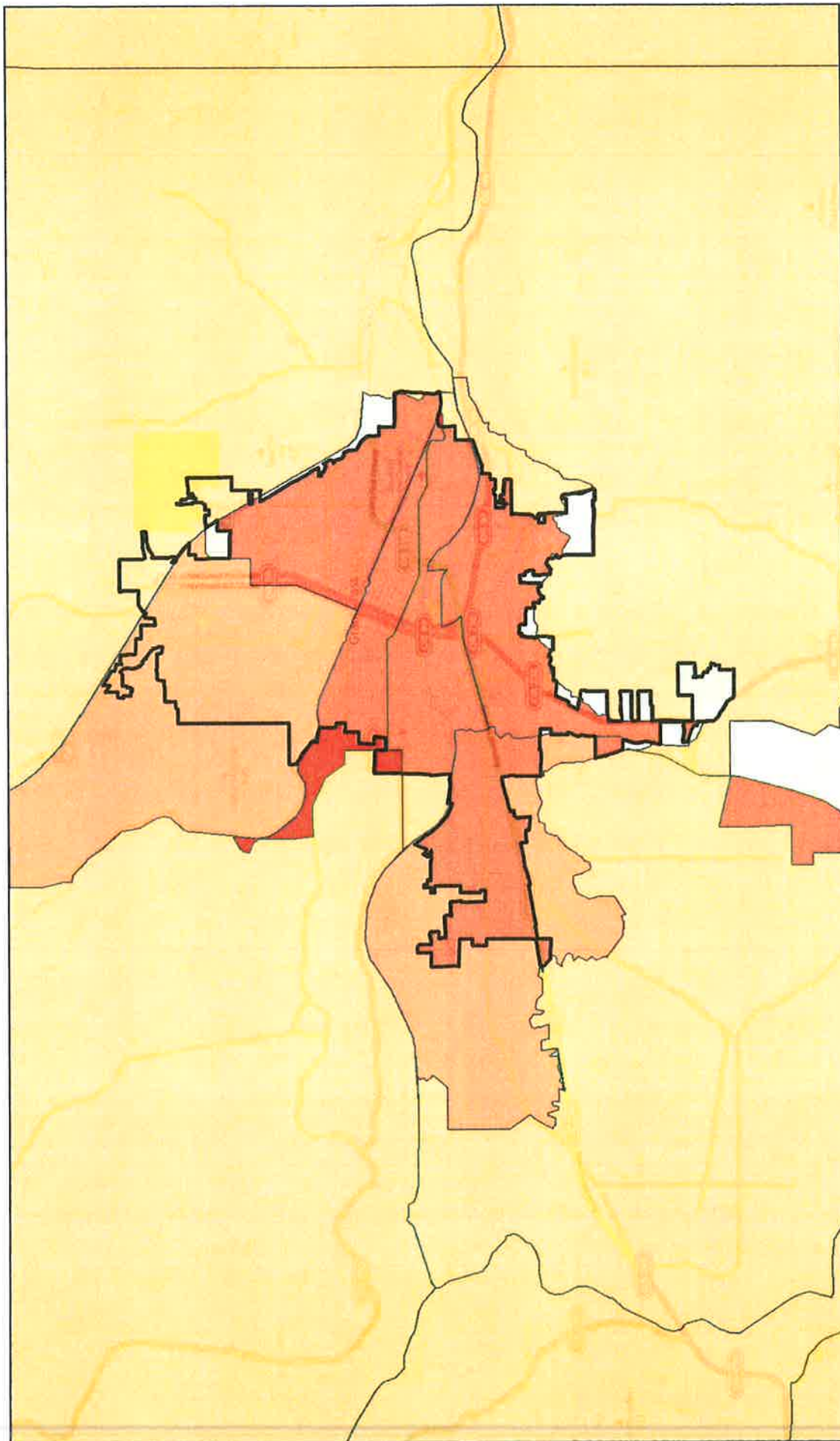
City of Grants Pass - Vacancy Rate



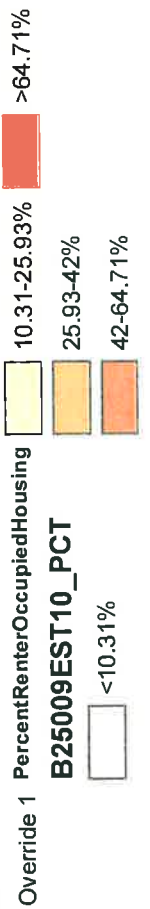
May 7, 2015



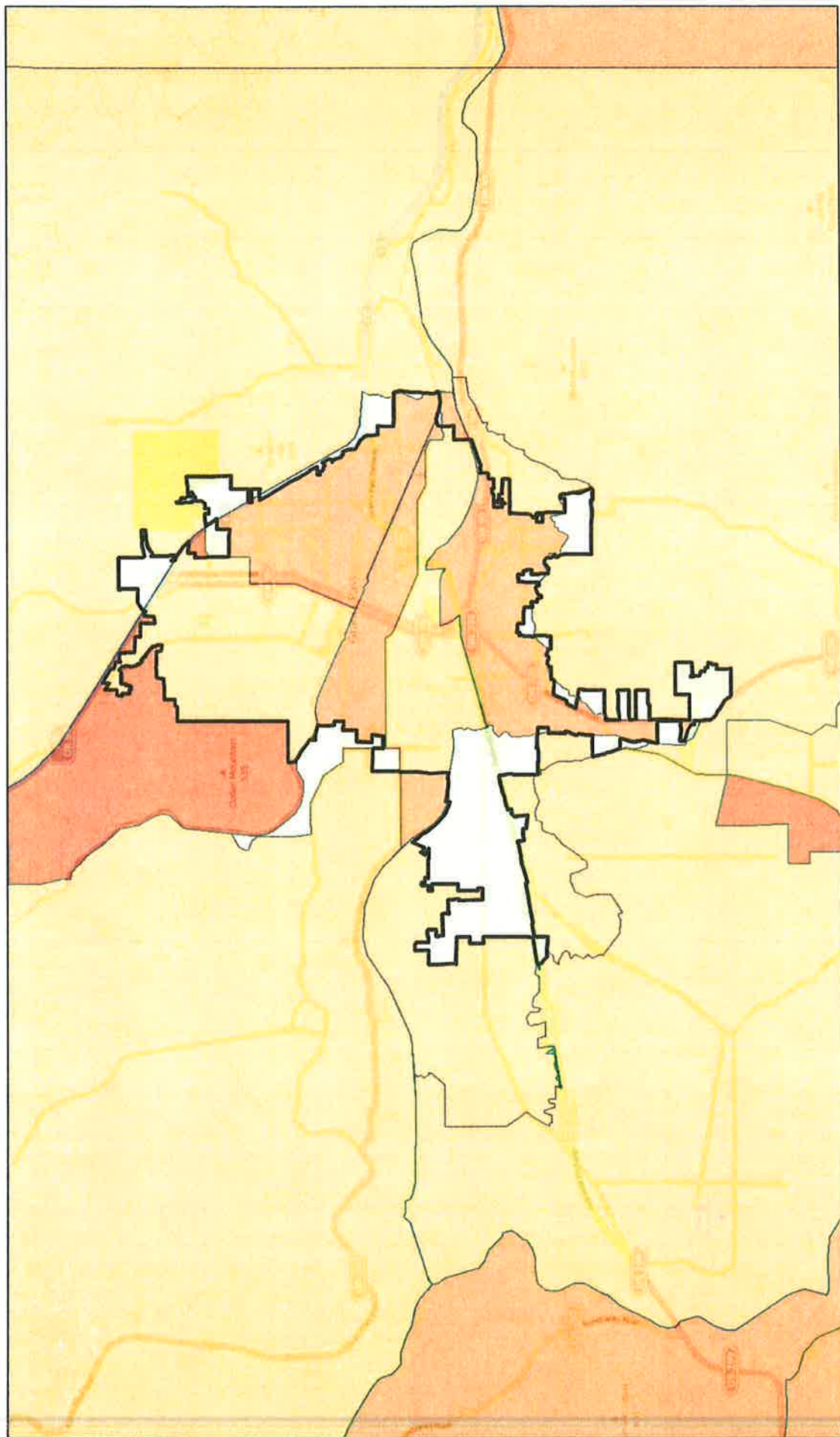
City of Grants Pass - Renter Occupied Housing



May 7, 2015



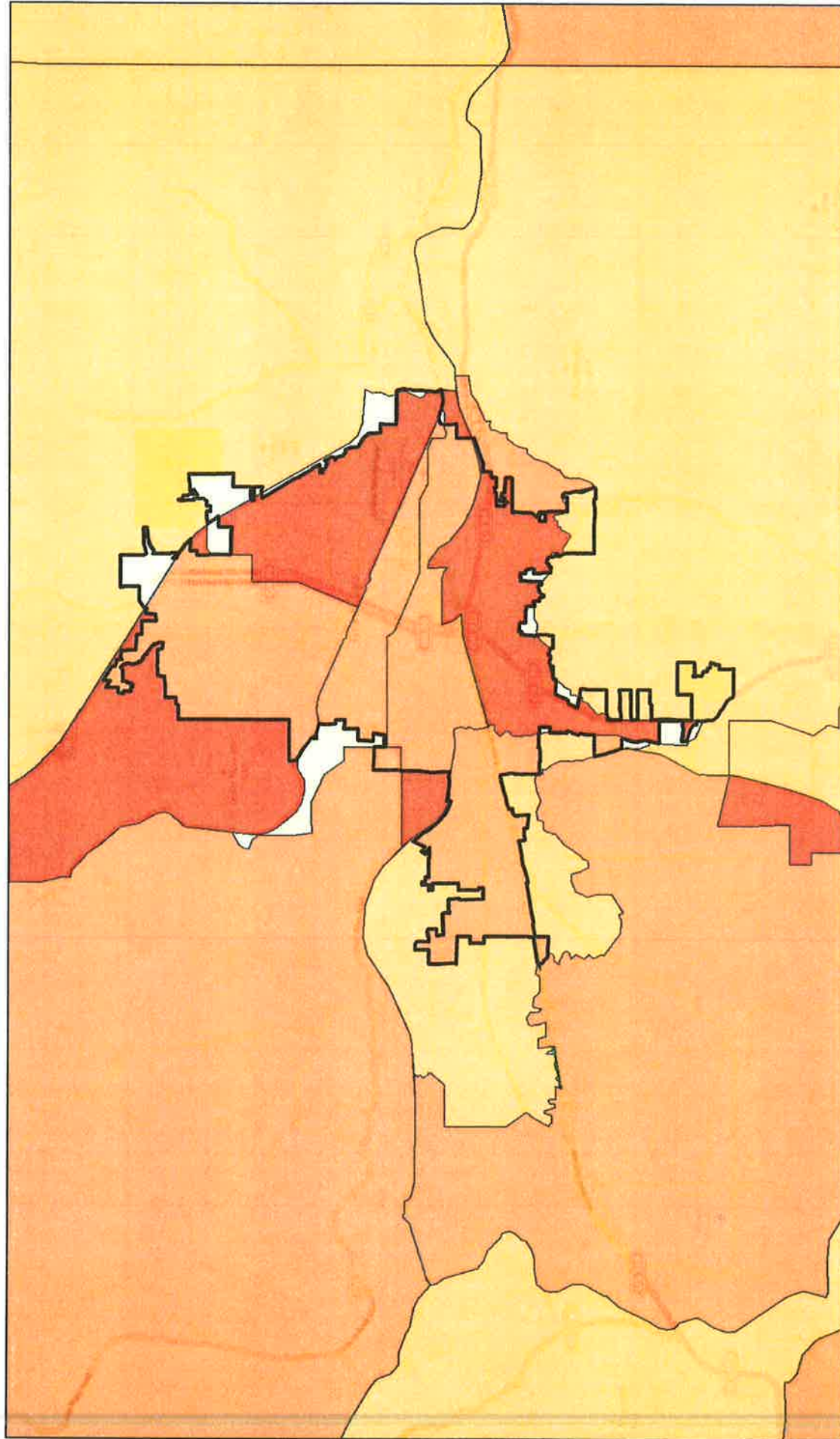
City of Grants Pass - Extreme Low Income Households



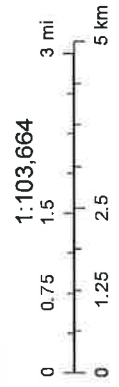
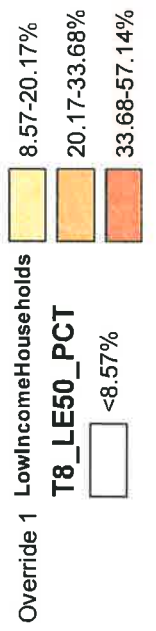
May 7, 2015

Override 1 ExtremeLowIncomeHouseholds
T8_LE30_PCT
 5.30-12.36%
 12.36-22.37%
 22.37-53.62%
 <5.30%

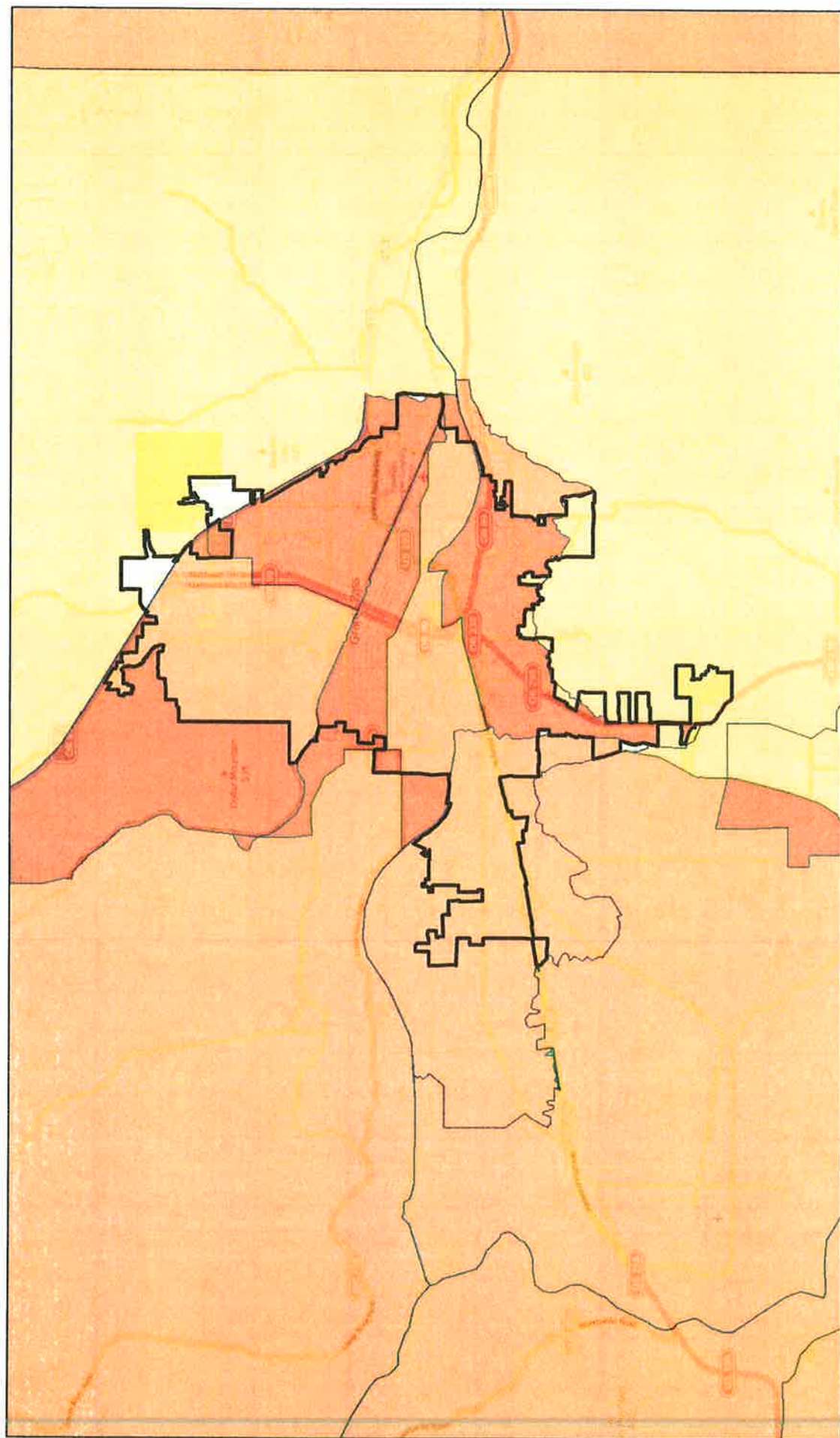
City of Grants Pass - Low Income Households



May 7, 2015



City of Grants Pass - Moderate Income Households

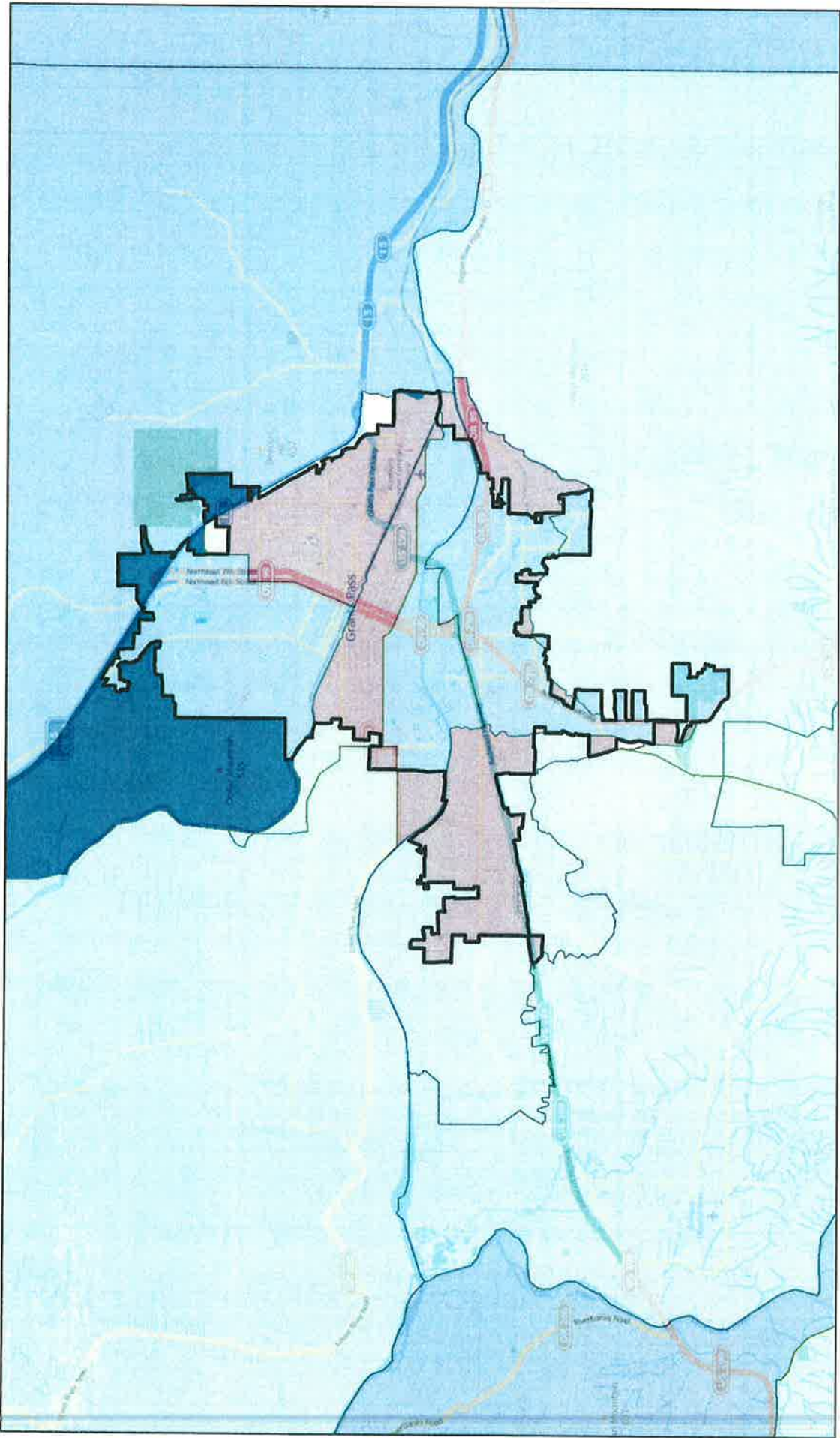


May 7, 2015

Override 1 ModIncomeHouseholds
 T8_LE80_PCT
 11.68-31.36%
 31.36-45.45%
 45.45-64.65%
 <11.68%

1:103,664
 0 0.75 1.5 3 mi
 0 1.25 2.5 5 km

City of Grants Pass - Housing Cost Burden



May 7, 2015

1:103,664
0 0.75 1.5 3 mi
0 1.25 2.5 5 km

Override 1

HousingCostBurden

B25106_CB_PCT

<12.92% Paying>30%

12.92-31.95% Paying>30%

31.95-43.63% Paying>30%

43.63-59.95% Paying>30%

>59.95% Paying>30%